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, 24 March, 1976.



ANNO VICESIMO QUINTO ELIZABETHÆ II REGINÆ

Act No. , 1976.

An Act to reconstitute The Water Conservation and Irrigation Commission as the Water Resources Commission; to confer and impose certain powers, authorities, duties and functions on the Water Resources Commission with respect to the control, management and development of water resources of New South Wales and certain other matters; and to make consequential and other amendments to the Irrigation Act, 1912, and to certain other Acts.

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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 5 follows:—

1. This Act may be cited as the "Water Resources Short title. Commission Act, 1976".

2. (1) This section and section 1 shall commence on the Commencedate of assent to this Act.

10 (2) Except as provided in subsection (1), the several provisions of this Act shall commence on such day or days as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

3. (1) In this Act, except so far as the context or subject- Interpre-15 matter otherwise indicates or requires—

> "Chief Commissioner" means the person appointed under this Act as the Chief Commissioner;

> "Commission" means the Water Resources Commission constituted under this Act;

- 20 "commissioner" means a person appointed under this Act as a commissioner, but does not include the Chief Commissioner;
 - "full-time commissioner" means a commissioner appointed under section 5 (a);
- 25 "part-time commissioner" means a commissioner appointed under section 5 (b);

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"public authority" means any government department, any statutory body representing the Crown, any city, municipal or shire council or county council, or any other body declared under subsection (2) (a) to be a public authority for the purposes of this Act;

"statutory

"statutory body" means a body declared under subsection (2) (b) to be a statutory body for the purposes of this Act;

"sub-surface water" means water occurring naturally under the surface of the ground whatever may be the geological structure in which it is standing or moving.

(2) The Minister may, by order published in the Gazette—

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 (a) declare any body constituted by or under statute to be a public authority for the purposes of this Act; and

- (b) declare any body constituted by or under statute to be a statutory body for the purposes of this Act.
- 15 4. (1) The Governor may, subject to this Act, appoint a Constitution Chief Commissioner who is hereby incorporated as a corpora- of Water tion sole under the corporate name of "Water Resources Commission. Commission".
 - (2) The Commission-
- 20 (a) has perpetual succession;
 - (b) shall have an official seal;
 - (c) may take proceedings, and be proceeded against, in its corporate name;
 - (d) may, subject to this Act, purchase, exchange, take on lease, hold, dispose of by way of lease or sale, and otherwise deal with property;
 - (e) may do and suffer all other things that corporations may, by law, do and suffer and that are necessary for or incidental to the purposes for which it is constituted;
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(f)

- (f) shall, in the exercise and performance of its powers, authorities, duties and functions under this or any other Act, be subject to the control and direction of the Minister; and
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- (g) is, for the purposes of any Act, a statutory body representing the Crown.

(3) The seal of the Commission shall be kept by the Chief Commissioner and shall not be affixed to any instrument or writing except in the presence of the Chief Commissioner

- 10 or a commissioner or of some other person who is authorised by the Chief Commissioner to affix the seal to the instrument or writing, and the Chief Commissioner or commissioner, or the person so authorised, shall attest by his signature the fact and date of the seal being so affixed.
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(4) All courts and persons acting judicially-

- (a) shall take judicial notice of the seal of the Commission that has been affixed to an instrument or writing; and
- (b) shall, until the contrary is proved, presume that the seal was properly affixed.
- The Governor may, subject to this Act, appoint-Appoint-5.
 - (a) 2 full-time commissioners; and

ment of commissioners.

(b) 2 part-time commissioners,

to assist the Commission in the exercise and performance of 25 its powers, authorities, duties and functions under this or any other Act.

(1) The Chief Commissioner and a full-time com- Terms of 6. missioner shall be appointed on the nomination of the Minister appointment of and shall, subject to this Act, respectively be appointed for Chief 30 terms, not exceeding 7 years, specified in the instruments of Commistheir appointment.

sioner and commissioners.

(2)

(2) A part-time commissioner shall be appointed on the nomination of the Minister and shall, subject to this Act, be appointed for a term, not exceeding 3 years, specified in the instrument of his appointment.

5 (3) The Public Service Act, 1902, does not apply to or in respect of the appointment of the Chief Commissioner or a commissioner, and the Chief Commissioner and commissioners are not subject to that Act during their terms of office in their respective capacities as Chief Commissioner and 10 commissioner.

(4) A person is not eligible for appointment or reappointment as Chief Commissioner or as a commissioner if he is a person—

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(a) who is a bankrupt or who is applying to take the benefit of any law for the relief of bankrupt or insolvent debtors, or whose debts are subject to a composition with his creditors or whose remuneration or allowances would, on his appointment, be subject to an assignment for their benefit;

- (b) who is a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act;
- (c) who has been convicted of a crime or an offence, whether in New South Wales or elsewhere, and is serving a sentence of imprisonment in respect of that crime or offence: or
 - (d) who has-
 - (i) in the case of the Chief Commissioner or a full-time commissioner, attained the age age of 65 years; or

(ii)

(ii) in the case of a part-time commissioner, attained the age of 70 years.

(5) Schedule 1 has effect with respect to the Chief Commissioner and the commissioners.

- **5** 7. (1) No matter or thing done or omitted, and no Liability contract entered into, by the Commission, and no matter or for acts, thing done or omitted by the Chief Commissioner or a com- Commismissioner acting in his official capacity or by any other sion. person acting under the direction or as a delegate of the
- 10 Commission, shall, if the matter or thing was done or omitted, or the contract was entered into, in good faith for the purposes of this Act or any other Act conferring or imposing powers, authorities, duties or functions on the Commission, render the Chief Commissioner, commissioner or person so
- 15 acting personally liable to any action, liability, claim or demand.

(2) Nothing in subsection (1) exempts the Chief Commissioner or a commissioner, or any person acting under the direction or as a delegate of the Commission, from liability20 to be surcharged with the amount of any payment which is disallowed by the Auditor-General and which the Chief Com-

missioner or that commissioner or person, as the case may be, authorised or joined in authorising.

8. (1) Except where otherwise expressly provided by or Disposal
25 under this or any other Act or unless the Treasurer has by of money by the instrument in writing directed or authorised money payable Commission. to the Commission from a source specified or described in the instrument to be disposed of in some other manner, all money paid or payable to the Commission under this or any

30 other Act shall be collected and received by the Commission on account of, and shall be paid into, the Consolidated Revenue Fund.

(2)

(2) The accounts of the Commission shall be audited by the Auditor-General who shall, in respect thereof, have all the powers conferred on the Auditor-General by any law for the time being in force relating to the audit of public 5 accounts, and the Audit Act, 1902, shall apply to the Commission, the Chief Commissioner, the commissioners and the officers and employees of the Commission in the same manner as it applies to accounting officers of public departments.

9. (1) The Commission may appoint and employ such Appointment 10 officers and employees as are necessary to enable it to exercise of officers and and perform its powers, authorities, duties and functions under employees this or any other Act.

Commission.

(2) Every officer and employee of the Commission shall, subject to the terms of his appointment, continue in 15 the service of the Commission at the will of the Commission only.

(3) All officers and employees of the Commission shall be subject to the sole control and governance of the Commission which may, where their remuneration or condi-20 tions of employment are not fixed in accordance with the provisions of any other Act or law, fix the salary or wages payable to those officers and employees and the conditions of their employment.

(4) Regulations may be made under section 16 for or 25 with respect to the conditions of employment of persons in the service of the Commission.

(5) The regulations made for the purposes of subsection (4)-

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(a) shall have effect subject to any award by which the Commission is bound made by a court of competent jurisdiction and to any industrial agreement to which the Commission is a party; and

(b) shall have effect notwithstanding subsection (3).

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(6) An officer or employee of the Commission shall not, in respect of the same period of service, be entitled to claim a benefit under this Act and under another Act.

(7) Schedule 2 has effect with respect to the retire-5 ment of officers of the Commission.

10. Schedule 3 has effect with respect to the entitlement Extended to extended leave of the Chief Commissioner, the full-time leave. commissioners and the officers of the Commission.

11. (1) The Commission shall have and may exercise Powers,
 10 and perform the powers, authorities, duties and functions authorities, duties and functions and, in particular, shall have and may exercise and perform of Commission. the following powers, authorities, duties and functions :---

(a) the making of provision for—

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- (i) the systematic gauging and recording of the volume and flow of rivers and streams, and of the volume of lakes and lagoons, within New South Wales and of the effect of climatic conditions on those volumes; and
- (ii) the gathering and recording of such data concerning the sub-surface water resources of New South Wales as the Commission considers to be practicable;
- (b) the collection, collating and interpretation of data concerning the quantity and quality of water resources in lakes, rivers, streams and lagoons and of sub-surface water resources;
- (c) the evaluation of present and future requirements for water in New South Wales;

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(d)

- (d) the maintenance of a central repository of relevant data on water resources and on the use of those resources;
- (e) the carrying out of research for the purpose of improving the quality of water supplies;
- (f) the carrying out of works to provide for the more extensive use of water resources;
- (g) the investigation, evaluation, implementation and co-ordination of proposals for flood control and flood mitigation;
- (h) the development and management of river catchment areas as sources of water supplies and the co-ordination of—
 - (i) development schemes for river catchment areas; and
 - (ii) the management of river catchment areas;
- (i) the planning of the development of water resources in New South Wales;
- (j) the co-ordination of activities of public authorities with respect to water resources and the review of all proposals and projects of any public authority for the development of water resources;
- (k) the co-ordination and advancement of water policies with Commonwealth and interstate authorities;
- the formulation, co-ordination and implementation of plans for the assessment, conservation, protection, replenishment, utilisation and distribution of the surface and sub-surface water resources of New South Wales;

(m)

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- (m) the formulation, co-ordination and implementation of plans for flood control works and the ascertaining of the nature and extent of land likely to be affected by those plans if implemented :
- (n) the carrying out of consultations, and the making of arrangements, with any public authority for the performance or undertaking by that authority of anything within that authority's powers which will affect the quantity or quality of the water resources of New South Wales or the management of those resources for the benefit of the public;
 - (o) the carrying out of, or the commissioning of the carrying out of, and the co-ordination of, research into any matter relating to water resources;
- (p) the compilation and publication of information on any matter relating to water resources; and
 - (q) the carrying out of such surveys, investigations, boring, drilling and exploration as it considers necessary or desirable to enable it effectively to carry out its powers, authorities, duties and functions under this or any other Act and, in particular, the carrying out of such surveys, investigations, boring, drilling and exploration as it considers necessary or desirable—
 - (i) to ascertain potential sites for works of water storage and water supply and the practicability and cost of constructing those works;
 - (ii) to ascertain the nature and extent of land capable of being supplied with water from any existing or proposed works of water storage or water supply and the means by which that land may be supplied with that water;

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(iii)

- (iii) to ascertain the need and potential sites for flood control and flood mitigation works and the practicability and cost of constructing those works;
- (iv) to ascertain the nature and extent of land capable of being protected or partially protected by flood control or flood mitigation works from flooding or inundation;
- (v) to ascertain the existence and location of sub-surface waters and their nature and quality; and
- (vi) to enable the formation, co-ordination and implementation of plans for the assessment, conservation, protection, replenishment, utilisation and distribution of the surface and sub-surface water resources of New South Wales for the benefit of the public.

(2) The Commission may, in the exercise or performance of its powers, authorities, duties and functions under 20 this or any other Act, by its officers, employees or agents enter on any land and do all such things as are required-

(a) for the purpose of—

(i) making and carrying out such inspections, tests, investigations, surveys, experiments, boring, drilling and exploration as are necessary for the full and effective exercise or performance of its powers, authorities, duties and functions under this or any other Act;

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(ii)

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- (ii) constructing, maintaining, operating or altering any works that it is empowered to construct or operate under this or any other Act; or
- (iii) implementing any proposals or plans referred to in subsection (1); or
- (b) for any other purpose connected with or related to or incidental to the exercise or performance of its powers, authorities, duties and functions under this or any other Act,

notwithstanding that an easement or right to enter the land may not have been granted or acquired.

(3) In the exercise of a power conferred by subsection (2) the Commission shall ensure that no more damage15 than is necessary in the circumstances is inflicted and shall fully compensate any person who sustains damage in the course of the exercise of that power.

(4) A power conferred by subsection (2) is in addition to any other power relating to entry on to land20 conferred by or under this or any other Act.

(5) For the purpose of enabling the Commission to exercise or perform the powers, authorities, duties and functions conferred or imposed on the Commission by or under this or any other Act, a public authority shall, on
25 receiving from the Commission a request in writing in that behalf and as far as is practicable having regard to all the circumstances of the matter, carry out such work, render such assistance or provide such information as may be specified in the request and as the authority is empowered by law to carry 30 out, render or provide.

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Act No. , 1976.

Water Resources Commission.

12. (1) The Commission may establish standing or Appointment special committees or councils for the purposes of assisting or of committees, advising the Commission in the exercise or performance of its etc., and powers, authorities, duties and functions under this or any delegations.

5 other Act and may appoint as a member of any such committee or council any person who, in its opinion, appears to be qualified to be a member of that committee or council.

(2) The Commission shall appoint one of the members of a committee or council established under subsection10 (1) to be chairman of the committee or council and any such committee or council may, subject to any directions of the Commission, regulate its procedure in such manner as it thinks fit.

(3) The Commission may, by instrument in writing,
15 delegate to any committee or council established under subsection (1), or to a commissioner or to any officer of the Commission, the exercise or performance of such of its powers (other than this power of delegation), authorities, duties and functions as may be specified in the instrument of delegation
20 and may, by a similar instrument, revoke any such delegation either wholly or in part.

(4) A delegation under subsection (3) may be made subject to such conditions or such limitations as to the exercise or performance of any of the powers, authorities, duties or 25 functions that have been delegated, or as to time or circumstance, as may be specified in the instrument of delegation.

(5) A power, authority, duty or function, the exercise or performance of which has been delegated under30 subsection (3) may, while the delegation remains unrevoked, be exercised or performed by the delegate from time to time in accordance with the terms of the delegation.

(6) Notwithstanding the making of any delegation under subsection (3), the Commission may continue to exercise or perform all or any of the powers, authorities, duties or functions that have been delegated.

5 (7) Any act, omission or thing done, omitted or undergone by a delegate while acting pursuant to a delegation made under subsection (3) shall have the same force and effect as if the act, omission or thing had been done, omitted or undergone by the Commission.

10 13. All proceedings against the Commission for anything Limitation done or omitted or purporting to have been done or omitted of under this Act or under any other Act (whether passed before or after the commencement of this section) which confers or imposes any power, authority, duty or function on the Com-

15 mission, or in the exercise or performance of any power, authority, duty or function conferred or imposed by any such Act, shall be commenced within 3 years after the act or omission complained of was committed or made.

14. (1) No proceedings shall be commenced against the Notice
 20 Commission or any person for anything done or omitted or of proceedings.
 20 purporting to have been done or omitted under this Act or under any other Act (whether passed before or after the commencement of this section) which confers or imposes any power, authority, duty or function on the Commission, or

25 in the exercise or performance of any power, authority, duty or function conferred or imposed by any such Act, until 1 month at least after a notice in writing of the intended proceedings has been delivered to or left at the office of the Commission or person by the party intending to commence 30 those proceedings, or by his attorney or agent.

(2)

(2) The notice shall clearly and explicitly state the cause of action and the court in which the proceedings are intended to be brought, and on the back of the notice there shall be endorsed the name and place of residence of the party5 intending to commence the proceedings and, if the notice was served by an attorney or agent, the name and place of residence of business of that attorney or agent.

(3) A notice under this section shall not be deemed invalid by reason of any defect or inaccuracy therein unless10 the court before which the proceedings are tried is of opinion that the defendant in the action has been prejudiced in his defence by the defect or inaccuracy.

15. (1) If any irregularity, trespass, or other wrongful Tender of proceeding has been committed in the execution of this Act amends.

15 or of any other Act (whether passed before or after the commencement of this section) which confers or imposes any power, authority, duty or function on the Commission or in the exercise or performance of any power, authority, duty or function conferred or imposed by any such Act, and if, before 20 proceedings are brought in respect thereof, tender of sufficient

amends is made to the person injured, that person shall not recover in any such proceedings.

(2) If no such tender has been made, the defendant may, by leave of the court in which the proceedings are pend-25 ing at any time before issue is joined, pay into court such sum of money as the defendant thinks fit, and thereupon such proceedings shall be had as in other cases where defendants are allowed to pay money into court.

16. (1) The Commission may, with the approval of the Regulations.30 Governor, make regulations for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying

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out or giving effect to this Act and, in particular, for or with respect to the control and regulation of officers and employees of the Commission.

(2) Regulations may be made so as to apply 5 differently according to such factors as may be specified in the regulations.

17. Schedule 4 has effect. Savings and transitional provisions.

Act, 1912.

18. The Irrigation Act, 1912, is amended in the manner Amendment set forth in Schedule 5. of Irrigation

19. Each Act specified in Column 1 of Schedule 6 is Amendments 10 amended in the manner specified opposite that Act in Column to other Acts. 2 of Schedule 6.

SCHEDULE 1.

Sec. 6.

PROVISIONS RELATING TO THE CHIEF COMMISSIONER AND COMMISSIONERS.

1. (1) The Chief Commissioner and a full-time commissioner shall Provisions respectively devote the whole of their time to the duties of their office relating to the Chief and shall respectively be paid-Commis-

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(a) remuneration in accordance with the Statutory and Other sioner and to commis-Offices Remuneration Act, 1975; and

sioners generally.

(b) such travelling and subsistence allowances as the Minister may from time to time determine in respect of each of them.

(2) A part-time commissioner shall be paid such remuneration (including travelling and subsistence allowances) as the Minister may 25 from time to time determine in respect of him.

(3) The Chief Commissioner and a commissioner or a person who has been Chief Commissioner or a commissioner shall, if otherwise qualified, be eligible for re-appointment as the Chief Commissioner or as a commissioner, as the case may be.

SCHEDULE

SCHEDULE 1-continued.

PROVISIONS RELATING TO THE CHIEF COMMISSIONER AND COMMISSIONERS—continued.

(4) Any such re-appointment shall be-

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- (a) in the case of a re-appointment as Chief Commissioner or as a full-time commissioner, for such term not exceeding 7 years; and
 - (b) in the case of a re-appointment as a part-time commissioner, for such term not exceeding 3 years,

10 as may be specified in the instrument of his re-appointment.

(5) On the occurrence of a vacancy in the office of Chief Commissioner or of a commissioner otherwise than by the expiration of the term for which he was appointed, the Governor may appoint a person to hold office as Chief Commissioner or as a commissioner for 15 the balance of his predecessor's term of office.

(6) A person appointed under subclause (5) shall be appointed on the nomination of the Minister.

2. (1) The Minister may appoint a person, other than a commis- Appointsioner, to act in the office of a full-time commissioner or of a part-time ment of sub-stitutes to commissioner while that commissioner is absent from his office act during through illness or other cause or is acting as Chief Commissioner and during through illness or other cause or is acting as Chief Commissioner, and absence of the person so appointed shall, while so acting, be deemed to be a Chief Comfull-time commissioner or a part-time commissioner, as the case may missioner and combe, and have the immunities, powers, authorities, duties and functions missioners. 25 of the commissioner in whose office he is acting.

(2) The Minister may appoint a full-time commissioner to act in the office of the Chief Commissioner while the Chief Commissioner is absent from his office through illness or other cause, and the commissioner so appointed shall, while so acting, be deemed to be the 30 Chief Commissioner and have the immunities, powers, authorities, duties and functions of the Chief Commissioner.

(3) The Minister may, for any cause which to him seems sufficient, remove from office any person appointed under subclause (1) or (2).

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SCHEDULE

SCHEDULE 1—continued.

PROVISIONS RELATING TO THE CHIEF COMMISSIONER AND COMMISSIONERS—continued.

(4) No person shall be concerned to inquire whether or not 5 any occasion has arisen requiring or authorising a person to act in the office of a commissioner or requiring or authorising a commissioner to act in the office of the Chief Commissioner, and all acts or things done or omitted by the person or commissioner while so acting shall be as valid and effectual, and shall have the same consequences, as

10 if they had been done or omitted by the commissioner in whose office the person was appointed to act or by the Chief Commissioner, as the case may be.

3. (1) The Chief Commissioner or a commissioner shall be Casual deemed to have vacated his office—

- 15 (a) if he dies;
 - (b) if, being the Chief Commissioner or a full-time commissioner, he engages without the approval of the Governor in any paid employment outside the duties of his office;
 - (c) if, being the Chief Commissioner or a full-time commissioner, he absents himself from duty for a period exceeding 14 consecutive days except—
 - (i) on leave granted by the Minister (which leave the Minister is hereby authorised to grant);
 - (ii) through illness or other unavoidable cause; or
 - (iii) pursuant to a right preserved by clause 4;
 - (d) if he becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration or allowances as Chief Commissioner or as a commissioner, or of his estate, for their benefit;
 - (e) if he becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act;
 - (f) if he is convicted in New South Wales of a crime or an offence punishable by imprisonment for 12 months or more, or if he is convicted elsewhere than in New South Wales of a crime or an offence which, if committed in New South Wales, would be a crime or an offence so punishable;

SCHEDULE

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SCHEDULE 1-continued.

PROVISIONS RELATING TO THE CHIEF COMMISSIONER AND COMMISSIONERS—continued.

(g) if he resigns his office by writing under his hand addressed to the Governor and the Governor accepts the resignation; or

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(h) if he is removed from office by the Governor for misbehaviour or incompetence under subclause (4).

(2) The Chief Commissioner or a full-time commissioner shall be deemed to have vacated his office on the day on which he attains 10 the age of 65 years.

(3) A part-time commissioner shall be deemed to have vacated his office on the day on which he attains the age of 70 years.

(4) The Governor may remove the Chief Commissioner or a commissioner from office on the grounds of misbehaviour or 15 incompetence.

4. (1) In this clause, "superannuation scheme" means a scheme. Preservation fund or arrangement under which any superannuation or retirement of certain benefits are provided and which is established by or under any Act.

rights of Chief Commissioner and com-

(2) Subject to subclause (3) and to the terms of his appoint- missioners. 20 ment, where the Chief Commissioner or a full-time commissioner, immediately before his appointment as such, was-

(a) an officer of the Public Service;

(b) a contributor to a superannuation scheme;

- (c) an officer employed by a statutory body; or
- (d) a person in respect of whom provision was made by any 25 Act that he retain any rights accrued or accruing to him as an officer or employee,

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(e) shall retain any rights and privileges accrued to him as such an officer, contributor or person;

SCHEDULE

SCHEDULE 1—continued.

PROVISIONS RELATING TO THE CHIEF COMMISSIONER AND COMMISSIONERS—continued.

- (f) may continue to contribute to any superannuation scheme to which he was a contributor immediately before his appointment as Chief Commissioner or as a commissioner; and
- (g) shall be entitled to receive any deferred or extended leave and any payment, pension or gratuity,
- 10 as if he had continued to be such an officer, contributor or person during his service as Chief Commissioner or as a commissioner, as the case may be, and—
 - (h) his service as Chief Commissioner or as a commissioner shall be deemed to be service as an officer or employee for the purposes of any law under which those rights accrued or were accruing, under which he continues to contribute or by which that entitlement is conferred; and
 - (i) he shall be deemed to be an officer or employee and the Commission shall be deemed to be his employer for the purpose of the superannuation scheme to which he is entitled to contribute under this subclause.
 - (3) Where the Chief Commissioner or a commissioner—
 - (a) would, but for this subclause, be entitled under subclause
 (2) to contribute to a superannuation scheme, or to receive any payment, pension or gratuity under a superannuation scheme; and
 - (b) becomes a contributor to another superannuation scheme (whether on his appointment as Chief Commissioner or as a commissioner or at any later time while he holds office as such),

he ceases to be so entitled and subclause (2) (i) ceases to apply to or in respect of him.

(4) Subclause (3) does not prevent the payment to the Chief Commissioner or to a commissioner, on his ceasing to be a contributor35 to a superannuation scheme, of such amount as would have been payable to him if he had ceased, by reason of resignation, to be an officer or employee for the purposes of that scheme.

SCHEDULL

SCHEDULE

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SCHEDULE 1-continued.

PROVISIONS RELATING TO THE CHIEF COMMISSIONER AND COMMISSIONERS—continued.

(5) Neither the Chief Commissioner nor a commissioner shall. 5 in respect of the same period of service, be entitled to claim a benefit under this Act and another Act.

5. (1) In this clause—

Chief Commis-

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"officer or employee of a prescribed authority" does not include sioner and the Chief Commissioner, a commissioner or a member of commisany other statutory body;

sioners entitled to ment in former employment in certain

"prescribed authority" means the Commission and any other re-appointstatutory body;

"retiring age" means-

- cases. (a) in relation to a person who was, immediately before his appointment as Chief Commissioner or as a fulltime commissioner, an officer of the Public Servicethe age of 60 years; and
- (b) in relation to a person who was, immediately before his appointment as Chief Commissioner or as a fulltime commissioner, an officer or employee of a prescribed authority-the age at which officers or employees (being officers or employees of the class to which that person belonged immediately before his appointment as Chief Commissioner or as a commissioner) of that prescribed authority are entitled to retire.

(2) Where the Chief Commissioner ceases to hold office as such, otherwise than pursuant to clause 3 (1) (paragraph (g) excepted), and

> (a) was, immediately before his appointment as Chief Commissioner; or

(b) in the case of a Chief Commissioner who, before his appointment as such, held office as a full-time commissioner, was, immediately before his appointment as a full-time commissioner,

an officer of the Public Service or an officer or employee of a prescribed authority, he shall, if he has not attained the retiring age, be entitled to be appointed to some office in the Public Service or, as

SCHEDULE

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SCHEDULE 1—continued.

PROVISIONS RELATING TO THE CHIEF COMMISSIONER AND COMMISSIONERS—continued.

- 5 the case may be, to some office in the service of that prescribed authority, not lower in classification and salary than that which he held, where paragraph (a) applies, immediately before his appointment as Chief Commissioner or, where paragraph (b) applies, immediately before his appointment as a full-time commissioner.
- (3) Where a full-time commissioner ceases to be a commis-10 sioner, otherwise than pursuant to clause 3 (1) (paragraph (g) excepted), and was, immediately before his appointment as a commissioner, an officer of the Public Service or an officer or employee of a prescribed authority, he shall, if he has not attained the retiring age, be entitled to be appointed to some office in the Public Service
- 15 or, as the case may be, to some office in the service of that prescribed authority, not lower in classification and salary than that which he held immediately before his appointment as a commissioner.

SCHEDULE 2.

Sec. 9.

RETIREMENT OF OFFICERS.

20 1. (1) Every officer of the Commission shall, subject to the Super- Officers annuation Act, 1916, be entitled if he desires so to do, having attained the age of 60 years, to retire from the service of the Commission.

and 65 years of age entitled

(2) Any such officer may, unless called upon to retire as or may provided in subclause (3) and subject to the Superannuation Act, be called 25 1916, continue in the service of the Commission until he attains the upon to retire.

(3) If any such officer continues in the service of the Commission after he has attained the age of 60 years, he may, at any time before he attains the age of 65 years, be called upon by the Com-

30 mission to retire, and every such officer so called upon to retire shall retire accordingly.

 (1) Every officer of the Commission shall, immediately on attain-Officers ing the age of 65 years, retire from the service of the Commission, on attaining unless, notwithstanding his age, he continues in the service of the 65 years of age to of age to of age to

service of the 65 years of age to retire unless called on to continue.

SCHEDULE 2-continued.

RETIREMENT OF OFFICERS—continued.

(2) Where any officer of the Commission has attained the age of 65 years and is willing to continue in the service of the Commission, 5 the Commission may, from time to time, continue to employ that officer for such fixed period not exceeding 12 months as the Commission in each case determines.

SCHEDULE 3.

EXTENDED LEAVE.

10 1. (1) Subject to this clause, the Chief Commissioner, a full-time absence after years of service.

- (a) after 10 years' service, to leave for 2 months on full pay or 4 months on half pay; and
- (b) after service in excess of 10 years, to-

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- (i) leave pursuant to paragraph (a); and
- (ii) in addition, an amount of leave proportionate to his length of service after 10 years, calculated on the basis of 5 months on full pay, or 10 months on half pay, for 10 years served after service for 10 years.
- 20 (2) For the purpose of calculating the entitlement of a person to extended leave under this clause at any time—
 - (a) "service" includes service with The Water Conservation and Irrigation Commission, as a Chief Commissioner, a Commissioner or an officer;
- (b) there shall be deducted from the amount of extended leave to which, but for this paragraph, that person would be entitled—
 - (i) any extended leave, or leave in the nature of extended leave; and
 - (ii) the equivalent, in extended leave, of any benefit instead of extended leave or leave in the nature of extended leave,

SCHEDULE

Sec. 10.

Leave of

SCHEDULE 3—continued.

EXTENDED LEAVE—continued.

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taken or received by that person before that time, including any such leave taken, or benefit received, by that person pursuant to a repealed provision of the Irrigation Act, 1912; and

(c) the provisions of the Transferred Officers Extended Leave Act, 1961, shall have effect,

but nothing in this subclause shall be construed as authorising, in 10 respect of the same period of leave taken or the same benefit received, a deduction under both paragraph (b) and section 3 (7) of the Transferred Officers Extended Leave Act, 1961.

(3) Where—

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 (a) a Chief Commissioner or a full-time commissioner vacates his office under clause 3 (1) (e) of Schedule 1 or under clause 3 (1) (g) of that Schedule on account of illness, incapacity or domestic or other pressing necessity; or

(b) the services of an officer of the Commission are terminated by the Commission for any reason other than the officer's serious and wilful misconduct or by the officer on account of illness, incapacity or domestic or other pressing necessity,

and that Chief Commissioner, commissioner or officer has had at least 5 years' service as an adult and less than 10 years' service, he shall be entitled for 5 years' service to 1 month's leave on full pay and

25 for service after 5 years to a proportionate amount of leave on full pay calculated on the basis of 3 months' leave for 15 years' service (that service to include service as an adult and otherwise than as an adult).

(4) For the purposes of subclause (3), "service as an adult"—

30 (a) in the case of an officer of the Commission employed to do any work for which the remuneration has been fixed by an award made under the Commonwealth Conciliation and Arbitration Act 1904, as subsequently amended, or made under the Industrial Arbitration Act, 1940, or has been fixed by an industrial agreement made pursuant to or registered under either of those Acts—means the period of service during which the remuneration applicable to the officer was at a rate not lower than the lowest rate fixed under the award or industrial agreement for an adult male or adult female in the same trade, classification or calling as the officer; or

SCHEDULE

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Water Resources Commission.

SCHEDULE 3-continued.

EXTENDED LEAVE—continued.

(b) in the case of a Chief Commissioner or a full-time commissioner, or of an officer of the Commission employed to do any work for which the remuneration has not been fixed by an award or industrial agreement referred to in paragraph (a)-means the period of service during which that Chief Commissioner, commissioner or officer was not less than 21 years of age.

10 (5) For the purposes of subclause (1), "service" includes—

- (a) any period of leave without pay taken before the commencement of the Public Service and Other Statutory Bodies (Extended Leave) Amendment Act, 1963, while holding appointment as a commissioner or an officer of The Water Conservation and Irrigation Commission; and
- (b) in the case of a Chief Commissioner or a full-time commissioner, or an officer of the Commission, who has completed at least 10 years' service (any period of leave without pay taken before that commencement being included therein, and any period of leave without pay taken after that commencement being excluded therefrom)-any period of leave without pay, not exceeding 6 months, taken after that commencement.
- (6) For the purposes of subclause (3), "service" does not 25 include any period of leave without pay whether taken before or after the commencement of the Public Service and Other Statutory Bodies (Extended Leave) Amendment Act, 1963.

(7) Where the Chief Commissioner, a full-time commissioner or an officer appointed to the service of the Commission was, imme-30 diately before that appointment, an officer of the Public Service or an officer in the employment of the Rural Bank of New South Wales or of any statutory body representing the Crown, his service as an officer of the Public Service or in the employment of that Bank or statutory body shall be deemed to be service with the Commission for the

35 purposes of this clause, but no person shall be entitled to claim benefits under this clause as well as under any other provision of this Act or under any other Act in respect of the same period of service.

2. (1) Where a Chief Commissioner or a full-time commissioner or Payment an officer of the Commission has acquired a right under clause 1 (1) of money 40 to extended leave with pay and dies before commencing it or after value of leave not commencing it dies before its termination-

SCHEDULE completed.

taken or

SCHEDULE 3-continued.

EXTENDED LEAVE—continued.

- (a) the widow or widower of that Chief Commissioner, commissioner or officer; or
- (b) if there is no such widow or widower, the children of that Chief Commissioner, commissioner or officer; or
 - (c) if there is no such widow, widower or children, the person who, in the opinion of the Commission, was, at the time of the death of that Chief Commissioner, commissioner or officer, a dependent relative of that Chief Commissioner, commissioner or officer,

shall be entitled to receive the money value of the leave not taken, or not completed, computed at the rate of remuneration that that Chief Commissioner, commissioner or officer received at the time of

15 his or her death less any amount paid to that Chief Commissioner, commissioner or officer in respect of the leave not taken, or not completed.

(2) Where a Chief Commissioner or a full-time commissioner, or an officer of the Commission, with at least 5 years' service as an 20 adult and less than 10 years' service as referred to in clause 1 (3) dies—

- (a) the widow or widower of that Chief Commissioner, commissioner or officer; or
- (b) if there is no such widow or widower, the children of that Chief Commissioner, commissioner or officer; or
- (c) if there is no such widow, widower or children, the person who, in the opinion of the Commission, was, at the time of the death of that Chief Commissioner, commissioner or officer, a dependent relative of that Chief Commissioner, commissioner or officer,

shall be entitled to receive the money value of the leave which would have accrued to that Chief Commissioner, commissioner or officer had he vacated office or, as the case may be, had his services terminated as referred to in clause 1 (3), computed at the rate of

35 remuneration that that Chief Commissioner, commissioner or officer received at the time of his death.

(3) Where there is a guardian of any children entitled under subclause (1) or (2), the payment to which those children are entitled may be made to that guardian for their maintenance, education and 40 advancement.

SCHEDULE

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SCHEDULE 3—continued.

EXTENDED LEAVE—continued.

(4) Where there is no person entitled under subclause (1) or
(2) to receive the money value of any leave not taken or not com5 pleted by a Chief Commissioner or a full-time commissioner or by an officer of the Commission or which would have accrued to a Chief Commissioner or a full-time commissioner or an officer of the Commission, payment in respect thereof shall be made to the personal representatives of that Chief Commissioner, commissioner or officer,
10 as the case may require.

(5) Any payment under this clause shall be in addition to any payment due under the Superannuation Act, 1916.

(6) Where payment of the money value of leave has been made under this Act, no proceedings may be brought against the Crown15 or the Commission for payment of any amount in respect of that leave.

3. (1) Where a Chief Commissioner or a full-time commissioner Gratuity or an officer of the Commission has acquired a right to extended instead of leave with pay under clause 1 (1) or (3), he shall, on vacating his extended leave.

20 office or, as the case may be, on the termination of his service, be the paid forthwith instead of that leave the money value thereof as a gratuity in addition to any gratuity to which he may be otherwise entitled.

(2) Any pension to which that Chief Commissioner, commissioner or officer is entitled under the Superannuation Act, 1916, shall25 commence from the date on which his extended leave, if taken, would have commenced.

SCHEDULE 4.

Sec. 17.

SAVINGS AND TRANSITIONAL PROVISIONS.

(1) The corporation constituted under section 4 is a continua- The Comtion of, and the same legal entity as, the corporation constituted under mission.
 30 section 4A of the Irrigation Act, 1912, as in force immediately before the commencement of section 18.

SCHEDULE

SCHEDULE 4-continued.

SAVINGS AND TRANSITIONAL PROVISIONS—continued.

(2) Subject to this Act, a reference in any other Act or in any regulation, by-law or other statutory instrument or in any other 5 document, whether of the same or of a different kind, being a reference to, or a reference to be read or construed as a reference to, or to be deemed or taken to refer to. The Water Conservation and Irrigation Commission shall be construed as a reference to the Water Resources Commission.

- 10 (3) Subject to this Act, any act, matter or thing done or omitted to be done before the commencement of section 18 by, to or in respect of The Water Conservation and Irrigation Commission shall, to the extent that, but for the enactment of this Act, that act, matter or thing would on or after that commencement have had any
- 15 force or effect or been in operation, be deemed to have been done or omitted to be done by, to or in respect of the Water Resources Commission.

(4) No attornment to the Water Resources Commission by a lessee from The Water Conservation and Irrigation Commission shall20 be required.

(1) The person holding office as Chief Commissioner under The Chief section 4 of the Irrigation Act, 1912, as in force immediately before Commisthe commencement of section 18, shall continue in office as if he had sioner been appointed Chief Commissioner under section 4 and he shall, missioners.
 25 subject to Schedule 1, hold office for the remainder of the period

specified in the instrument of his appointment under section 4 of the Irrigation Act, 1912, as so in force.

(2) The persons holding office as Commissioners under section 4 of the Irrigation Act, 1912, as in force immediately before the 30 commencement of section 18, shall continue in office as if they had been appointed full-time commissioners under section 5 and they shall, subject to Schedule 1, hold office for the remainder of the period specified in the instruments of their appointment under section 4 of the Irrigation Act, 1912, as so in force.

35 3. (1) The employment of all persons who, immediately before Officers and the commencement of section 18, were employed by The Water employees of Conservation and Irrigation Commission as officers or as servants or Commission. workmen shall continue as if those persons had respectively been appointed by the Commission as officers or as employees in accordance

40 with section 9.

SCHEDULE

SCHEDULE 4—continued.

SAVINGS AND TRANSITIONAL PROVISIONS—continued.

- (2) Any person referred to in subclause (1) shall-
- (a) subject to section 9 (6), retain all rights and privileges which, immediately before the commencement of section 18, were accruing or had accrued to him in his capacity as an officer, servant or workman in the service of The Water Conservation and Irrigation Commission as if those rights and privileges had been conferred on him in his capacity as an officer or, as the case may be, an employee of the Commission;
- (b) until subsequently varied by or in accordance with law, be paid remuneration at a rate not lower than that at which he was paid, and be subject to the same conditions of employment as those to which he was subject, immediately before that commencement; and
- (c) owe the same contractual obligations to the Commission as he owed to The Water Conservation and Irrigation Commission immediately before that commencement.
- 20 4. Any regulations in force under section 26 (1) (r) of the Irriga-Regulations. tion Act, 1912, as in force immediately before the commencement of section 18, shall be deemed to be regulations made under this Act and every reference in those regulations to a servant shall be construed as if it were a reference to an employee of the Commission.

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SCHEDULE 5.

Sec. 18.

AMENDMENTS TO THE IRRIGATION ACT, 1912.

(1) Long title—

Omit "for the appointment of a commissioner and other officers;".

SCHEDULE

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SCHEDULE 5-continued.

AMENDMENTS TO THE IRRIGATION ACT, 1912—continued.

(2) Section 1—

Omit the matter relating to Part II, insert instead :--

PART II.—IRRIGATION AREAS—ss. 5G-7C.

(3) (a) Section 3, definition of "Chief Commissioner"-

Omit the definition.

(b) Section 3, definition of "Commission"-

Omit the definition of "The Commission", insert instead :---

"Commission" means the Water Resources Commission constituted under section 4 of the Water Resources Commission Act, 1976.

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(c) Section 3, definition of "Commissioner"-

Omit the definition.

(d) Section 3, definition of "Discharged soldier"—

Omit ", as amended by the Returned Soldiers Settlement (Amendment) Act, 1917, and the Returned Soldiers Settlement (Amendment) Act, 1919".

(e) Section 3, definition of "Prescribed"-

Omit the definition.

SCHEDULE

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SCHEDULE 5—continued.

AMENDMENTS TO THE IRRIGATION ACT, 1912—continued.

(4) Sections 4-5F-

Omit the sections and the heading before section 5.

5 (5) (a) Section 5G—

Omit ", as amended by subsequent Acts" wherever occurring.

(b) Section 5G-

Omit ", as so amended" wherever occurring.

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(c) Section 5G (2) (b), (c), (d), (e)—

Omit "said advisory" wherever occurring, insert instead "advisory".

(d) Section 5G (2) (d) (i)—

Omit "the said", insert instead "that".

15 (6) (a) Section 6 (1)—

Omit ", or any Act amending the same".

(b) Section 6 (4)—

Omit ", as amended by subsequent Acts".

SCHEDULE

SCHEDULE 5—continued.

AMENDMENTS TO THE IRRIGATION ACT, 1912—continued.

(7) (a) Section 6A(1)—

Omit ", and any Acts amending the same".

(b) Section 6A(1)—

Omit "the said" wherever occurring, insert instead "those".

(8) (a) Section 7—

Omit "such Act" wherever occurring, insert instead "that Act".

(b) Section 7 (1) (c)—

Omit "said".

(9) Section 8—

Omit the section, insert instead :--

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8. The Commission, in addition to the powers, Powers, 21 authorities, duties and functions conferred or imposed authorities, duties and functions of functions of

functions of Commission under this

(a) shall, subject to this Act and any regulations Act.
 made under this Act, have control of any irrigation area and any works within or used in connection with any such area; and

SCHEDULE

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SCHEDULE 5-continued.

AMENDMENTS TO THE IRRIGATION ACT, 1912-continued.

(b) may dispose of land in an irrigation area in accordance with the Crown Lands Consolidation Act, 1913.

(10) Sections 8A, 8C-

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Omit the sections.

(11) (a) Section 9 (1) (g)—

Omit "fit;", insert instead "fit :".

10 (b) Section 9 (1) (h)—

Omit the paragraph.

(c) Section 9 (2), (3)—

Omit ", as amended by subsequent Acts" wherever occurring.

15 (d) Section 9 (2) (b), (c)—

Omit "the said Act as so amended" wherever occurring, insert instead "that Act".

(12) Section 11—

Omit the section. 3409 654—c

SCHEDULE

SCHEDULE 5-continued.

AMENDMENTS TO THE IRRIGATION ACT, 1912-continued.

(13) Section 11D (1A)—

Omit "1932-1939", insert instead "1932".

5 (14) (a) Section 11G (2)—

Omit "or any Act amending the same".

(b) Section 11G (2)—

Omit "the Irrigation Act, 1912–1946", insert instead "this Act".

10 (15) Section 111-

Omit ", as amended by subsequent Acts" wherever occurring.

(16) Sections 17B, 17C, 17D-

Omit the sections.

15 (17) (a) Section 18 (3)—

Omit "as amended by subsequent Acts".

(b) Section 18 (3)—

Omit "Conservation and Irrigation", insert instead "Resources".

SCHEDULE

SCHEDULE 5—continued.

AMENDMENTS TO THE IRRIGATION ACT, 1912—continued.

(c) Section 18 (3)-

Omit "said" where firstly occurring.

5 (d) Section 18 (3)—

Omit "said" where secondly and thirdly occurring, insert instead "those".

(18) Section 191-

Omit "such section", insert instead "section 19H".

10 (19) (a) Section 20 (1)-

Omit ", or any Act amending the same" wherever occurring.

(b) Section 20 (1)-

Omit "the said", insert instead "those".

15 (c) Section 20 (1)—

Omit ", and the Acts amending it".

(d) Section 20 (2), (3)-

Omit "the said" wherever occurring, insert instead "that".

SCHEDULE

SCHEDULE 5—continued.

AMENDMENTS TO THE IRRIGATION ACT, 1912—continued.

(20) Section 20A-

Omit "Secretary", insert instead "Minister".

5 (21) Section 22-

Omit ", and any Acts amending the same".

(22) (a) Section 22A (2)—

Omit "the provisions of the next preceding subsection, such", insert instead "subsection (1), the".

(b) Section 22A (3), (5)—

Omit "the said" wherever occurring, insert instead "that".

(23) Section 23A—

15 Omit the section.

(24) (a) Section 25—

Omit "1912-1936", insert instead "1912".

SCHEDULE

C

SCHEDULE 5-continued.

AMENDMENTS TO THE IRRIGATION ACT, 1912-continued.

(b) Section 25—

Omit "the said", insert instead "those".

5 (25) Section 26 (1) (r)-

Omit the paragraph.

(26) Section 28 (2)-

Omit the subsection, insert instead :---

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(2) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation made under this Act as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.

(27) Section 30—

15 Omit "or police magistrate".

37

Act No. , 1976.

Water Resources Commission.

SCHEDULE 6.

Sec. 19.

AMENDMENTS TO OTHER ACTS.

	Column 1.		Column 2.	
5	Year and number of Act.	Short title of Act.	Amendment.	
0	54 Vic. No. 7	Wentworth Irrigation Act.	Long title— Omit "to vest certain lands in the Council of the Municipality of Wentworth, to enable the said Council to establish", insert instead "to provide for the administration of certain land vested in the Water Resources Commission, to enable the Commission to establish and administer".	
20		.1	Section 2 Omit " "Municipalities Act of 1867," or the "Country Towns Water and Sewerage Act of 1880," ", insert instead "Local Government Act, 1919,".	
25			Section 4, definition of "Commission"— After the definition of "Bank", insert:— "Commission" means the Water Re- sources Commission constituted under section 4 of the Water Resources	
30		olen (en d	Commission Act, 1976. Section 4, definition of "Owner"— Omit "The Water Conservation and Irri- gation Commission", insert instead "the Commission".	
35			Section 4, definition of "Prescribed"— Omit the definition, insert instead:— "Prescribed" means prescribed by this Act or by regulations or by-laws under this Act.	
10			Section 4, definition of "The Trust"— Omit the definition. Section 4— Omit the matter relating to Parts II, III and IV, insert instead:—	
45			PART II.—Administration. Part II, heading— Omit "Constitution of Trust.", insert instead "Administration.".	

SCHEDULE

SCHEDULE 6—continued.

AMENDMENTS TO OTHER ACTS—continued.

	Column 1.		Column 2.	
5	Year and number of Act.	Short title of Act.	Amendment.	
10	54 Vic., No. 7 —continued.	Wentworth Irrigation Act— continued.	Section 5— Omit the section, insert instead:— Adminis- tration tered by the Commission and of Act. shall be read subject to the provisions of the Irrigation Act, 1912, the Water Act, 1912, and	
			the Water Resources Com- mission Act, 1976.	
			Sections 6–9— Omit the sections.	
20			Section 10— Omit the section, insert instead:— Property 10. (1) The following property vested in shall continue to be vested in the the Com- Commission for the purposes of	
25		ร์การ เหร็จส์เ ที่สาราชการ โรการ	mission. of this Act:— (a) so much of the irri- gation area as is vested in the Commission at	
30			the commencement of section 19 of the Water Resources Commission Act, 1976, except such land as the Minister	
35			may decide to set apart from time to time for public purposes or as may from time to time	
		-	be resumed or disposed	
40	مرکبر از این ا	المراجع أحادي أحوار	of under this or any other Act;	
			(b) all dams, weirs, flood- gates, culverts, aque-	
45			ducts, sluices, flumes, pipes, engines, pump- ing machinery, reser- voirs and other works constructed or erected pursuant to this Act; and	

Act No. , 1976.

Water Resources Commission.

SCHEDULE 6—continued.

AMENDMENTS TO OTHER ACTS—continued.

	Colu	mn 1.	Column 2.
5	Year and number of Act.	Short title of Act.	Amendment.
10	54 Vic., No. 7 —continued.	Wentworth Irrigation Act— continued.	(c) the water which is at any time in the lake known as Fletcher's Lake, near Wentworth, or other natural source
15			of water within the irrigation area, or in any pipe, reservoir or other work constructed pursuant to this Act.
20		,	(2) The property referred to in subsection (1) shall be held and administered by the Com- mission, subject to the pro- visions of this Act, but no part
25			of that property shall be sold except with the consent of the Governor. (3) Nothing in this Act shall be construed as in any way
30			interfering with the right, con- ferred before the commencement of section 19 of the Water Resources Commission Act, 1976, by any lease from the
35			Crown, of any person to take or use the water in Fletcher's Lake. Part III, heading— Omit the heading.
40			Section 11— Omit "Trust" where firstly occurring, insert instead "Commission". Section 11 (VI)— Omit "by the Trust", insert instead "under
45			this Act by the Commission". Section 11 (VI)— Omit "require the Trust", insert instead "require the Commission". Section 11—
50		1	Omit "authorize the Trust", insert instead "authorize the Commission". Sections 12–16— Omit the sections.

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Water Resources Commission.

SCHEDULE 6—continued.

AMENDMENTS TO OTHER ACTS—continued.

	Colu	ımn 1.	Column 2.
5	Year and number of Act.	Short title of Act.	Amendment.
	54 Vic. No. 7— continued.	Wentworth Irrigation Act —continued.	to direct the Trust at any time to cease to employ any engineer or surveyor he may think proper at any time and from
15			time to time.". Section 18— Omit the section. Sections 19, 20, 21, 22— Omit "Trust" wherever occurring, insert
20			instead "Commission". Section 22A (1)— Omit "Water Conservation and Irrigation Commission (hereinafter in this section referred to as the Commission)", insert
25			instead "Commission". Sections 23, 24— Omit "Trust" wherever occurring, insert instead "Commission".
30			 Section 25— Omit "Trust" where firstly occurring, insert instead "Commission under this Act". Section 25— Omit "Trust" where secondly, thirdly and fourthly occurring, insert instead
35			"Commission". Section 26— Omit "Trust", insert instead "Commission". Section 27— Omit "Trust" where firstly, secondly and
40			thirdly occurring, insert instead "Com- mission". Section 27 Omit "Trust Funds", insert instead "funds
45			of the Commission". Sections 28, 29, 30— Omit "Trust" wherever occurring, insert instead "Commission". Section 31 (1)—
50			Omit "Water Conservation and Irrigation". Section 31 (2) (a)— Omit "said" wherever occurring.

SCHEDULE 6—continued.

AMENDMENTS TO OTHER ACTS—continued.

	Colu	ımn 1.	Column 2.
5	Year and number of Act.	Short title of Act.	Amendment.
10	54 Vic. No. 7– continued.	Wentworth Irrigation Act —continued.	Section 32— Omit the section, insert instead:— By-laws. 32. (1) The Commission may make by-laws, not inconsistent with this Act, for or with respect
15			to any matter that, by this Act, is required or permitted to be prescribed by by-laws or that is necessary or convenient to be prescribed by by-laws for
20			carrying out or giving effect to this Act and, in particular, for or with respect to— (a) the administration and maintenance of the
25			works constructed pursuant to this Act; (b) the manner of fixing the charges for water supplied and the time
30			and manner of their payments, and the con- ditions on which the water shall be supplied; and
35			 (c) the time and manner of payment of the rate fixed by the Com- mission. (2) A by-law made under
40			subsection (1) may impose a penalty for any contravention of, or failure to comply with, that by-law or any other by-law made under that subsection,
45			not exceeding \$200. (3) Section 41 of the Interpretation Act, 1897, applies in respect of a by-law made under subsection (1) as if this
50			Act had been passed after the commencement of the Inter- pretation (Amendment) Act, 1969.

SCHEDULE 6—continued.

AMENDMENTS TO OTHER ACTS—continued.

	Column 1.		Column 2.	
5	Year and number of Act.	Short title of Act.	Amendment.	
10	54 Vic. No. 7— continued.	Wentworth Irrigation Act —continued.	Regula- tions. 33. (1) The Governor may make regulations, not incon- sistent with this Act, for or	
15			with respect to any matter that, by this Act, is required or permitted to be prescribed by regulations or that is necessary or convenient to be prescribed	
20			for carrying out or giving effect to this Act, and, in particular, for or with respect to the form of lease to be used under this Act.	
25			(2) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation as if this Act had been passed after the commencement of the	
30			Interpretation (Amendment) Act, 1969. Part IV- Omit the Part.	
35			Section 47 (a)— Omit ", whether such person is acting under the authority of the Trust or of the Minister", insert instead "acting under the authority of the Commission under this Act".	
40			Section 47 (d)— Omit "Trust", insert instead "Commission under this Act". Section 47 (e)— Omit "by the Trust" wherever occurring,	
45			insert instead "under this Act by the Commission". Section 47— After "two Justices", insert "or a	
50		1	stipendiary magistrate sitting alone". Section 48— Omit "Trust", insert instead "Commission under this Act".	

SCHEDULE 6—continued.

AMENDMENTS TO OTHER ACTS-continued.

	Colu	mn 1.	Column 2.	
5	Year and number of Act.	Short title of Act.	Amendment.	
0	54 Vic. No. 7— continued.	Wentworth Irrigation Act —continued.	Section 48— After "two Justices", insert "or a stipendiary magistrate sitting alone". Section 49— After "two Justices", insert "or a	
5		and the solution	stipendiary magistrate sitting alone". Section 51—	
	1902, No. 57	Hay Irrigation Act, 1902.	Omit the section. Section 1— Omit the matter relating to Parts II, III	
0			and IV, insert instead:— Part II.—Administration—ss. 6-29. Section 3— Omit "Municipalities Act. 1897. or the	
5			Country Towns Water and Sewerage Act of 1880", insert instead "Local Government Act, 1919,". Section 5, definition of "Commission"— After the definition of "Bank", insert:— "Commission" means the Water	
0			Resources Commission constituted under section 4 of the Water Resources Commission Act, 1976. Section 5, definition of "Irrigation area"— Omit "trust", insert instead "Commission".	
5			Section 5, definition of "Prescribed"— Omit the definition. Section 5, definition of "The trust"— Omit the definition. Part II, heading—	
0		rai fari	Omit the heading, insert instead: PART II. Administration. Section 6	
5			Omit the section, insert instead:— Adminis- tration of tered by the Commission and Act. shall be read subject to the provisions of the Irrigation	
0			Act, 1912, the Water Act, 1912, and the Water Resources Commission Act, 1976. Sections 7-10- Omit the sections.	

SCHEDULE

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SCHEDULE 6—continued.

AMENDMENTS TO OTHER ACTS-continued.

	Column 1.		Column 2.	
5	Year and number of Act.	Short title of Act.	Amendment.	1
10	1902, No. 57— continued.	Hay Irrigation Act, 1902— continued.	Property 11. (1) The follo vested property shall continue to in the vested in the Commission Commis- the purposes of this Act:—	b be for
15			(a) so much of irrigation area a vested in Commission at commencement	the the the of
20			section 19 of Water Resou Commission Act, 1 except such land the Minister	976,
25			decide to set a from time to time public purposes of may from time time be resumed	or as to
30			flood-gates, culv	
35			engines, pump machinery, reserv	voirs
40			pursuant to this and (c) the water which any time in any p reservoir, creek,	is at pipe,
45	t dminis		or other work structed pursuant this Act. (2) The prop referred to in subsection	t to perty
50			shall be held and administ by the Commission, subject the provisions of this Act.	ered

SCHEDULE 6—continued.

AMENDMENTS TO OTHER ACTS—continued.

	Colu	ımn 1.	Column 2.
5	Year and number of Act.	Short title of Act.	Amendment.
10	1902, No. 57– continued.	Hay Irrigation Act, 1902— continued.	Alteration 12. The Governor may, by of Second notice published in the Gazette, Schedule. amend the Second Schedule by altering the boundaries described in that Schedule.
15			Part III, heading— Omit the heading. Section 13 (1)—
20			Omit "trust", insert instead "Commission". Section 13 (2)— Omit "by the trust", insert instead "under this Act by the Commission". Section 13 (2)—
25			Omit "require the trust", insert instead "require the Commission". Section 13 (3)— Omit "trust", insert instead "Commission". Section 14— Omit "trust in pursuance of this Act"
30			Omit "trust in pursuance of this Act", insert instead "Commission". Section 14— Omit "compensated by the trust", insert instead "compensated by the Com- mission".
35			Sections 15, 16, 17— Omit "trust" wherever occurring, insert instead "Commission". Section 17A (1) (a)— Omit "the Water Conservation and
40			Irrigation Commission (hereinafter in this section referred to as "the Commission")", insert instead "the Commission". Sections 18, 19, 20, 21, 22, 23 (1), (2), 24—
45		Shi tani a	Omit "trust" wherever occurring, insert instead "Commission". Section 23 (4)— Omit "trust funds", insert instead "funds
50			of the Commission". Section 25 (1)— Omit "Water Conservation and Irrigation". Section 25 (2), (3), (4)— Omit "said" wherever occurring. Section 26 (2)— Omit "trust", insert instead "Commission".

SCHEDULE 6—continued.

AMENDMENTS TO OTHER ACTS—continued.

	Column 1.		Column 2.	
5	Year and number of Act.	Short title Act.	Amendment.	
0	1902, No. 57– continued.	Hay Irrigation Act, 1902— continued.	Section 26 (4)— Omit the subsection. Section 27— Omit "trust" wherever occurring, insert instead "Commission". Section 28— Omit the section, insert instead: By-laws. 28. (1) The Commission may make by-laws, not inconsistent with this Act, for or with respect to any matter that, by	
0			this Act, is required or per- mitted to be prescribed by by-laws or that is necessary or convenient to be prescribed by	
5			by-laws for carrying out or giving effect to this Act and, in particular, for or with respect to— (a) the administration and	
0			maintenance of the works constructed pursuant to this Act; (b) the conditions on which water shall be	
5			supplied; and (c) the mode of levying rates for the supply of any such water. (2) A by-law made under	
0			subsection (1) may impose a penalty for any contravention of, or failure to comply with, that by-law or any other by-law made under that subsection,	
5			not exceeding \$200. (3) Section 41 of the Interpretation Act, 1897, applies in respect of a by-law made under subsection (1) as if this	
0			Act had been passed after the commencement of the Inter- pretation (Amendment) Act, 1969.	

SCHEDULE 6—continued.

AMENDMENTS TO OTHER ACTS—continued.

	Colu	ımn 1.	Column 2.
5	Year and number of Act.	Short title of Act.	Amendment.
10	1902, No. 57— continued.	Hay Irrigation Act, 1902— continued.	Section 29— Omit the section, insert instead: Regula-29. (1) The Governor may tions. make regulations, not incon- sistent with this Act, for or
15			with respect to any matter that, by this Act, is required or permitted to be prescribed by regulations or that is necessary or convenient to be prescribed
20			for carrying out or giving effect to this Act. (2) Section 41 of the Interpretation Act, 1987, applies in respect of a regulation as if
25			this Act had been passed after the commencement of the Inter- pretation (Amendment) Act 1969. Part IV—
80			Omit the Part. Section 42 (a)— Omit ", whether such person is acting under the authority of the trust or of the
5			Minister", insert instead "acting under the authority of the Commission under this Act". Section 42 (d)— Omit "truut" instead "Commission
10			Omit "trust", insert instead "Commission under this Act". Section 42 (e)— Omit "by the trust" wherever occurring insert instead "under this Act by the Commission".
5			Section 43— Omit "trust" wherever occurring, insert instead "Commission". Section 44— Omit "trust", insert instead "Commissior under this Act".
50			Section 47- Omit the section. Second Schedule- Omit "Water Conservation and Irrigation"

SCHEDULE

SCHEDULE 6—continued.

AMENDMENTS TO OTHER ACTS—continued.

5	Column 1.		Column 2.	
	Year and number of Act.	Short title of Act.	Amendment.	
10	1902, No. 78	Balranald Irrigation Act, 1902.	Section 1— Omit the matter relating to Parts II, III and IV, insert instead:— PART II.— <i>Administration—ss.</i> 5-35. Section 2 (5)—	
15			Omit "Municipalities Act, 1897, or the Country Towns Water and Sewerage Act of 1880", insert instead "Local Government Act, 1919". Section 4, definition of "Commission"—	
20			Section 4, definition of "Commission"— Before the definition of "Domestic use", insert:— "Commission" means the Water Re- sources Commission constituted under section 4 of the Water Resources Com-	
.5			mission Act, 1976. Section 4, definition of "Prescribed"— Omit the definition. Section 4, definition of "The Trust"— Omit the definition.	
0			Part II, heading— Omit the heading, insert instead:— PART II.	
			Administration.	
35			Omit the section, insert instead: Adminis- tration tered by the Commission and of Act. shall be read subject to the provisions of the Irrigation Act,	
0			1912, the Water Act, 1912, and the Water Resources Com- mission Act, 1976. Sections 6-9-	
5			Omit the sections. Section 10— Omit the section, insert instead:—	
			Property 10. (1) The following pro- vested in perty shall continue to be vested the Com- in the Commission for the pur-	
0			mission. poses of this Act:— (a) so much of the irri- gation area as is vested in the Commission at	

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SCHEDULE 6—continued.

AMENDMENTS TO OTHER ACTS—continued.

	Colu	ımn 1 .	Column 2.
5	Year and number of Act.	Short title of Act.	Amendment.
10	1902, No. 78— continued.	Balranald Irrigation Act,1902— continued.	the commencement of section 19 of the Water Resources Commission Act, 1976, except such land as the Minister
15			may decide to set apart from time to time for public purposes or as may from time to time be resumed or disposed
20			of under this or any other Act; (b) all dams, weirs, flood- gates, culverts, aque- ducts, sluices, flumes,
25			pipes, engines, numes, ing machinery, reser- voirs and other works constructed or erected pursuant to this Act:
30			(c) the water which is at any time in any swamp or creek near or within the irrigation area, or
35			in any pipe, reservoir or other work con- structed pursuant to this Act. (2) The property referred
40			to in subsection (1) shall be held and administered by the Com- mission, subject to the pro- visions of this Act, but no part of the land described in the
45			First Schedule shall be sold except with the consent of the Governor. Part III, heading—
50			Omit the heading. Section 11 (1)— Omit "Trust" wherever occurring, insert instead "Commission".

SCHEDULE 6—continued.

AMENDMENTS TO OTHER ACTS-continued.

5	Column 1.		Column 2.	
	Year and number of Act.	Short title of Act.	Amendment.	
10	1902, No. 78— continued.	Balranald Irrigation Act, 1902— continued.]	Section 11 (1)— Omit "at any time after submitting to the Minister a general plan and description of the scheme and obtaining his sanction for the same". Section 11 (2)—	
15			Omit "by the Trust", insert instead "under this Act by the Commission". Section 11 (2)— Omit "require the Trust", insert instead	
20			"require the Commission". Section 11 (2)— Omit "such Trust", insert instead "the Commission".	
25			Section 11 (3)— Omit "Trust", insert instead "Commission." Sections 12–15— Omit the sections. Section 16 (2)—	
30			Omit the subsection. Section 17— Omit the section. Sections 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28—	
35			Omit "Trust" wherever occurring, insert instead "Commission". Section 29 (1), (2)— Omit "Trust" wherever occurring, insert	
			instead "Commission". Section 29 (4)— Omit "Trust Funds", insert instead "funds	
40			of the Commission". Sections 30, 31, 32— Omit "Trust" wherever occurring, insert instead Commission"	
45			Section 33 (1), (3)— Omit "Trust" wherever occurring, insert instead "Commission". Section 33 (4)—	
50			Omit "Trust" where firstly occurring, insert instead "Commission". Section 33 (4)— Omit "Trust" where secondly occurring insert instead "Commission under this Act".	

SCHEDULE 6—continued.

AMENDMENTS TO OTHER ACTS-continued.

	Colum	m 1.	Column 2.
5	Year and number of Act.	Short title of Act.	Amendment.
10	1902, No. 78— continued.	Balranald Irrigation Act, 1902— continued.	Section 34— Omit the section, insert instead:— By-laws. 34. (1) In addition to the by- laws set out in the Second Schedule, the Commission may
15			make by-laws, not inconsistent with this Act, for or with respect to any matter that, by this Act, is required or permitted to be prescribed by by-laws or that is
20			necessary or convenient to be prescribed by by-laws for carry- ing out or giving effect to this Act and, in particular, for or with respect to—
25			 (a) the administration and maintenance of the works constructed pur- suant to this Act; (b) the conditions on
30			which water shall be supplied; (c) the mode of assessing property and levying rates; and
35			(d) the ensuring of bona fide settlement, im- provement and culti- vation of land within the irrigation area, and
40			all matters relating thereto. (2) A by-law made under
			subsection (1) may impose a penalty for any contravention
45			of, or failure to comply with, that by-law or any other by-law made under that subsection, not exceeding \$200.

SCHEDULE 6-continued.

AMENDMENTS TO OTHER ACTS—continued.

	Col	umn 1.	Column 2.
5	Year and number of Act.	Short title of Act.	Amendment.
0		- Balranald Irrigation Act, 1902— <i>continued</i> .	(3) Section 41 of the In- terpretation Act, 1897, applies in respect of a by-law made under subsection (1) as if this Act had been passed after the commencement of the Inter- pretation (Amendment) Act,
		1	1969. Section 35— Omit the section, insert instead:— Regula- 35. (1) The Governor may
0			tions. make regulations, not inconsis- tent with this Act, for or with respect to any matter that, by this Act, is required or permitted
5			to be prescribed by regulations or that is necessary or con- venient to be prescribed for carrying out or giving effect to this Act, and, in particular, for
0			or with respect to the form of lease to be used under this Act. (2) Section 41 of the In- terpretation Act, 1897, applies in respect of a regulation as if
5			this Act had been passed after the commencement of the Inter- pretation (Amendment) Act, 1969. Part IV—
0			Omit the Part. Section 49 (a)— Omit ", whether such person is acting under
5			the authority of the Trust or of the Minister", insert instead "acting under the authority of the Commission under this Act".
			Section 49 (d)— Omit "Trust", insert instead "Commission under this Act".
0			Section 49 (e)— Omit "by the Trust" wherever occurring, insert instead "under this Act by the Commission".

SCHEDULE 6—continued.

AMENDMENTS TO OTHER ACTS—continued.

	Colu	mn 1.	Column 2.
5	Year and number of Act.	Short title of Act.	Amendment.
10	1902, No. 78— continued.	Balranald Irrigation Act, 1902— continued.	Section 50— Omit "Trust", insert instead "Commission under this Act". Section 53— Omit the section. Second Schedule, heading—
15			Omit "and regulations". Second Schedule— Omit "Trust" wherever occurring, insert instead "Commission".
20	1912, No. 44	Water Act, 1912.	Section 4, definition of "Commission"— Before the definition of "Crown lands", insert:— "Commission" means the Water Resources Commission constituted under section 4 of the Water Resources
25			Commission Act, 1976. Section 4, definition of "The Commission"— Omit the definition. Section 30 (2)— Omit "Water Conservation and Irrigation".
30	1913, No. 7	Crown Lands Consolidation Act, 1913.	Section 5 (1), definition of "Commission"-
35			Commission constituted under section 4 of the Water Resources Commission Act, 1976. Section 5 (1), definition of "The Com-
40			mission"— Omit the definition. Section 25A (4)— Omit "The Water Conservation and Irrigation Commission", insert instead "the Water Resources Commission".
45	1915, No. 8	River Murray Waters Act, 1915.	Section 13 (2) (a)— Omit "The Water Conservation and Irrigation Commission", insert instead "the Water Resources Commission".
50			Section 13 (2) (b)— Omit "The Water Conservation and Irrigation Commission", insert instead "the Water Resources Commission".

SCHEDULE

SCHEDULE 6—continued.

AMENDMENTS TO OTHER ACTS—continued.

	Colu	mn 1.	Column 2.
5	Year and number of Act.	Short title of Act.	Amendment.
10	1915, No. 8— continued.	River Murray Waters Act, 1915— continued.	Omit "The Water Conservation and Irrigation Commission" where lastly occurring, insert instead "the Water Resources Commission".
15			Section 13 (3)— Omit "The Water Conservation and Irrigation Commission" wherever occurring, insert instead "the Water Resources Commission".
20			Section 13 (3)— Omit "servant", insert instead "employee". Section 15— Omit "The Water Conservation and Irrigation Commission" wherever
25			occurring, insert instead "the Water Resources Commission". Section 16 (a)— Omit "The Water Conservation and Irrigation Commission", insert instead
30	1916, No. 28	Superannuation Act, 1916.	"the Water Resources Commission". Schedule III— Omit "The Commissioner for Water Conservation and Irrigation", insert instead "The Water Resources Com- mission".
35	1941, No. 54	Irrigation (Amendment) Act, 1941.	Section 2, definition of "Commission"-
40	1944, No. 15	Crown Employees Appeal Board Act, 1944.	Resources Commission Act, 1976. Second Schedule— Omit "The Water Conservation and
45	1946, No. 22	Farm Water Supplies Act, 1946.	Long title—
50			"Commission" means the Water Resources Commission constituted under section 4 of the Water Resources Commission Act, 1976.

SCHEDULE 6—continued.

AMENDMENTS TO OTHER ACTS—continued.

	Colum	n 1.	Column 2.
5	Year and number of Act.	Short title of Act.	Amendment.
0	1947, No. 10	New South Wales- Queensland Border Rivers Act, 1947.	Section 14—
5			Omit "Conservation and Irrigation" wherever occurring, insert instead "Resources". Section 20— Omit "Conservation and Irrigation", insert
20	1948, No. 20		instead "Resources". Section 2, definition of "Commission"—
		Foreshores Improvement Act, 1948.	After the definition of "Board", insert:
2.5			under section 4 of the Water Resources Commission Act, 1976. Section 2, definition of "Constructing Authority"—
0			From paragraph (b), omit "Water Con- servation and Irrigation". Section 2, definition of "The Commission"—
	1956, No. 10	Hunter Valley Flood Miti- gation Act,	
5		1956.	Resources Commission constituted under section 4 of the Water Resources Commission Act, 1976.
0	1957, No. 28	Attachment of Wages Limitation	
	1970, No. 78	Act, 1957.	Section 5, definition of "statutory authority"—
5		Act, 1970.	Omit "Conservation and Irrigation", insert instead "Resources". Section 6 (2) (b) (iii)— Omit the subparagraph, insert instead:—
0			(iii) one shall be a representative of the Water Resources Commission nominated by the Minister ad- ministering the Water Resources Commission Act, 1976;

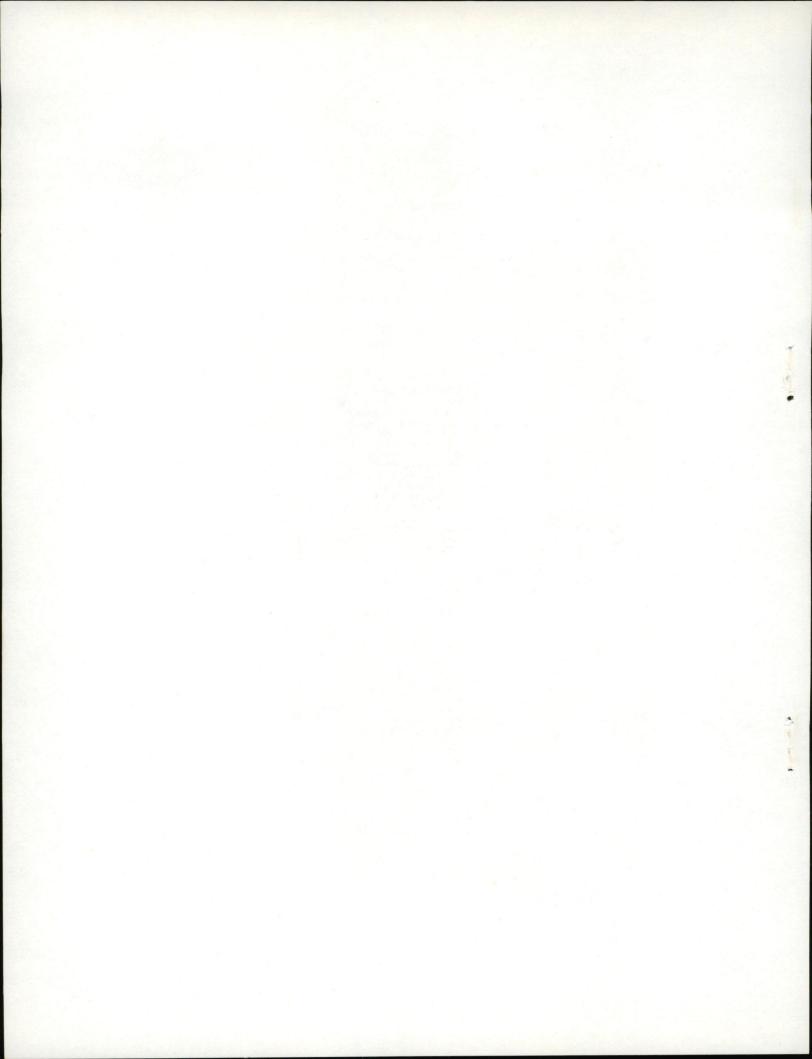
SCHEDULE 6-continued.

AMENDMENTS TO OTHER ACTS—continued.

	Colu	ımn 1.	Column 2.
5	Year and number of Act.	Short title of Act.	Amendment.
10	1970, No. 95	State Pollution Control Commission Act, 1970.	Section 18 (1) (g)— Omit the paragraph, insert instead:— (g) one shall be a representative of the Water Resources Commission nominated by the Minister ad- ministering the Water Resources
15	1973, No. 47	Irrigation Districts and Water	Commission Act, 1976; Section 4 (1), definition of "Commission"— Omit the definition, insert instead:— "Commission" means the Water Resources Commission constituted
20	1973, No. 58	Storages and	Resources Commission Act, 1976; Section 2 (1), definition of "Commission"— Omit the definition, insert instead:—
25		Bores Subsidies Act, 1973.	"Commission" means the Water Resources Commission constituted under section 4 of the Water Resources Commission Act, 1976;
30	1976, No. 4	Statutory and Other Offices Remunera- tion Act, 1975.	Schedule 2, Part 1— Omit— Chief Commissioner (under the Irrigation Act, 1912). Commissioner (under the Irrigation Act 1912), being the Senior Commissioner.
35			Commissioner (under the Irrigation Act, 1912), other than the Senior Commissioner. insert instead:— Chief Commissioner (under the Water
40			Resources Commission Act, 1976). Commissioner (under the Water Resources Commission Act, 1976), being a full-time commissioner.

BY AUTHORITY D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES-1976

654—е 8409



No. , 1976.

A BILL

To reconstitute The Water Conservation and Irrigation Commission as the Water Resources Commission; to confer and impose certain powers, authorities, duties and functions on the Water Resources Commission with respect to the control, management and development of water resources of New South Wales and certain other matters; and to make consequential and other amendments to the Irrigation Act, 1912, and to certain other Acts.

[MR COWAN-17 March, 1976.]

BE

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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 5 follows:—

1. This Act may be cited as the "Water Resources Short title. Commission Act, 1976".

2. (1) This section and section 1 shall commence on the Commencedate of assent to this Act.

10 (2) Except as provided in subsection (1), the several provisions of this Act shall commence on such day or days as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

3. (1) In this Act, except so far as the context or subject-Interpre-15 matter otherwise indicates or requires—

> "Chief Commissioner" means the person appointed under this Act as the Chief Commissioner;

- "Commission" means the Water Resources Commission constituted under this Act;
- "commissioner" means a person appointed under this Act as a commissioner, but does not include the Chief Commissioner;
 - "full-time commissioner" means a commissioner appointed under section 5 (1) (a);

"part-time commissioner" means a commissioner appointed under section 5 (1) (b);

"public authority" means any government department, any statutory body representing the Crown, any city, municipal or shire council or county council, or any other body declared under subsection (2) (a) to be a public authority for the purposes of this Act;

"statutory

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"statutory body" means a body declared under subsection (2) (b) to be a statutory body for the purposes of this Act:

"sub-surface water" means water occurring naturally under the surface of the ground whatever may be the geological structure in which it is standing or moving.

(2) The Minister may, by order published in the Gazette-

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- (a) declare any body constituted by or under statute to be a public authority for the purposes of this Act; and
- (b) declare any body constituted by or under statute to be a statutory body for the purposes of this Act.
- 15 4. (1) The Governor may, subject to this Act, appoint a Constitution Chief Commissioner who is hereby incorporated as a corpora- of Water Resources tion sole under the corporate name of "Water Resources Commission. Commission".
 - (2) The Commission—
- 20 (a) has perpetual succession;
 - (b) shall have an official seal;
 - (c) may take proceedings, and be proceeded against, in its corporate name:
 - (d) may, subject to this Act, purchase, exchange, take on lease, hold, dispose of by way of lease or sale, and otherwise deal with property;
 - (e) may do and suffer all other things that corporations may, by law, do and suffer and that are necessary for or incidental to the purposes for which it is constituted:
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(f)

- (f) shall, in the exercise and performance of its powers, authorities, duties and functions under this or any other Act, be subject to the control and direction of the Minister; and
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- (g) is, for the purposes of any Act, a statutory body representing the Crown.

(3) The seal of the Commission shall be kept by the Chief Commissioner and shall not be affixed to any instrument or writing except in the presence of the Chief Commissioner 10 or a commissioner or of some other person who is authorised by the Chief Commissioner to affix the seal to the instrument or writing, and the Chief Commissioner or commissioner, or the person so authorised, shall attest by his signature the fact and date of the seal being so affixed.

(4) All courts and persons acting judicially-

- (a) shall take judicial notice of the seal of the Commission that has been affixed to an instrument or writing; and
- (b) shall, until the contrary is proved, presume that the

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5. The Governor may, subject to this Act, appoint-Appointment of commissioners.

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(b) 2 part-time commissioners,

(a) 2 full-time commissioners; and

seal was properly affixed.

to assist the Commission in the exercise and performance of 25 its powers, authorities, duties and functions under this or any other Act.

6. (1) The Chief Commissioner and a full-time com- Terms of missioner shall be appointed on the nomination of the Minister appointment of and shall, subject to this Act, respectively be appointed for Chief 30 terms, not exceeding 7 years, specified in the instruments of Commis-sioner and their appointment. commis-

sioners.

(2)

(2) A part-time commissioner shall, subject to this Act, be appointed for a term, not exceeding 3 years, specified in the instrument of his appointment.

- (3) The Public Service Act, 1902, does not apply to5 or in respect of the appointment of the Chief Commissioner or a commissioner, and the Chief Commissioner and commissioners are not subject to that Act during their terms of office in their respective capacities as Chief Commissioner and commissioner.
- 10 (4) A person is not eligible for appointment or reappointment as Chief Commissioner or as a commissioner if he is a person—

(a) who is a bankrupt or who is applying to take the benefit of any law for the relief of bankrupt or insolvent debtors, or whose debts are subject to a composition with his creditors or whose remuneration or allowances would, on his appointment, be subject to an assignment for their benefit;

(b) who is a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act;

(c) who has been convicted of a crime or an offence, whether in New South Wales or elsewhere, and is serving a sentence of imprisonment in respect of that crime or offence; or

- (d) who has—
 - (i) in the case of the Chief Commissioner or a full-time commissioner, attained the age age of 65 years; or

(ii)

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(ii) in the case of a part-time commissioner, attained the age of 70 years.

(5) Schedule 1 has effect with respect to the Chief Commissioner and the commissioners.

- **5** 7. (1) No matter or thing done or omitted, and no Liability contract entered into, by the Commission, and no matter or for acts, etc., of thing done or omitted by the Chief Commissioner or a com- Commismissioner acting in his official capacity or by any other sion. person acting under the direction or as a delegate of the
- 10 Commission, shall, if the matter or thing was done or omitted, or the contract was entered into, in good faith for the purposes of this Act or any other Act conferring or imposing powers, authorities, duties or functions on the Commission, render the Chief Commissioner, commissioner or person so 15 acting personally liable to any action, liability, claim or
- demand.

(2) Nothing in subsection (1) exempts the Chief Commissioner or a commissioner, or any person acting under the direction or as a delegate of the Commission, from liability
20 to be surcharged with the amount of any payment which is disallowed by the Auditor-General and which the Chief Commissioner or that commissioner or person, as the case may be, authorised or joined in authorising.

8. (1) Except where otherwise expressly provided by or Disposal
25 under this or any other Act or unless the Treasurer has by of money by the instrument in writing directed or authorised money payable Commission. to the Commission from a source specified or described in the instrument to be disposed of in some other manner, all money paid or payable to the Commission under this or any
30 other Act shall be collected and received by the Commission on account of, and shall be paid into, the Consolidated Revenue Fund.

(2)

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(2) The accounts of the Commission shall be audited by the Auditor-General who shall, in respect thereof, have all the powers conferred on the Auditor-General by any law for the time being in force relating to the audit of public 5 accounts, and the Audit Act, 1902, shall apply to the Commission, the Chief Commissioner, the commissioners and the officers and employees of the Commission in the same manner as it applies to accounting officers of public departments.

9. (1) The Commission may appoint and employ such Appointment 10 officers and employees as are necessary to enable it to exercise of officers and and perform its powers, authorities, duties and functions under employees this or any other Act. Commission.

(2) Every officer and employee of the Commission shall, subject to the terms of his appointment, continue in 15 the service of the Commission at the will of the Commission only.

(3) All officers and employees of the Commission shall be subject to the sole control and governance of the Commission which may, where their remuneration or condi-20 tions of employment are not fixed in accordance with the provisions of any other Act or law, fix the salary or wages payable to those officers and employees and the conditions of their employment.

(4) Regulations may be made under section 16 for or 25 with respect to the conditions of employment of persons in the service of the Commission.

(5) The regulations made for the purposes of subsection (4)-

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(a) shall have effect subject to any award by which the Commission is bound made by a court of competent jurisdiction and to any industrial agreement to which the Commission is a party; and

(b) shall have effect notwithstanding subsection (3).

(6)

(6) An officer or employee of the Commission shall not, in respect of the same period of service, be entitled to claim a benefit under this Act and under another Act.

(7) Schedule 2 has effect with respect to the retire-5 ment of officers of the Commission.

Schedule 3 has effect with respect to the entitlement Extended 10. to extended leave of the Chief Commissioner, the full-time leave. commissioners and the officers of the Commission.

11. (1) The Commission shall have and may exercise Powers, 10 and perform the powers, authorities, duties and functions authorities, 10 and perform the powers, authorities, duties and functions authorities, duties and conferred or imposed on it by or under this or any other Act, functions and, in particular, shall have and may exercise and perform of Commission. the following powers, authorities, duties and functions :---

(d)

(a) the making of provision for-

(i) the systematic gauging and recording of the volume and flow of rivers and streams, and of the volume of lakes and lagoons, within New South Wales and of the effect of climatic conditions on those volumes; and

(ii) the gathering and recording of such data concerning the sub-surface water resources of New South Wales as the Commission considers to be practicable;

(b) the collection, collating and interpretation of data concerning the quantity and quality of water resources in lakes, rivers, streams and lagoons and of sub-surface water resources;

(c) the evaluation of present and future requirements for water in New South Wales;

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- Water Resources Commission. (d) the maintenance of a central repository of relevant data on water resources and on the use of those resources; (e) the carrying out of research for the purpose of improving the quality of water supplies; 5 (f) the carrying out of works to provide for the more extensive use of water resources ; (g) the investigation, evaluation, implementation and co-ordination of proposals for flood control and 10 flood mitigation; (h) the development and management of river catchment areas as sources of water supplies and the co-ordination of-(i) development schemes for river catchment 15 areas; and (ii) the management of river catchment areas; (i) the planning of the development of water resources in New South Wales; (i) the co-ordination of activities of public authorities 20 with respect to water resources and the review of all proposals and projects of any public authority for the development of water resources; (k) the co-ordination and advancement of water policies with Commonwealth and interstate 25 authorities;
 - the formulation, co-ordination and implementation of plans for the assessment, conservation, protection, replenishment, utilisation and distribution of the surface and sub-surface water resources of New South Wales;

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- (m) the formulation, co-ordination and implementation of plans for flood control works and the ascertaining of the nature and extent of land likely to be affected by those plans if implemented;
- (n) the carrying out of consultations, and the making of arrangements, with any public authority for the performance or undertaking by that authority of anything within that authority's powers which will affect the quantity or quality of the water resources of New South Wales or the management of those resources for the benefit of the public;
 - (o) the carrying out of, or the commissioning of the carrying out of, and the co-ordination of, research into any matter relating to water resources;
- (p) the compilation and publication of information on any matter relating to water resources; and
 - (q) the carrying out of such surveys, investigations, boring, drilling and exploration as it considers necessary or desirable to enable it effectively to carry out its powers, authorities, duties and functions under this or any other Act and, in particular, the carrying out of such surveys, investigations, boring, drilling and exploration as it considers necessary or desirable—

 (i) to ascertain potential sites for works of water storage and water supply and the practicability and cost of constructing those works;

(ii) to ascertain the nature and extent of land capable of being supplied with water from any existing or proposed works of water storage or water supply and the means by which that land may be supplied with that water;

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(iii)

- (iii) to ascertain the need and potential sites for flood control and flood mitigation works and the practicability and cost of constructing those works;
- (iv) to ascertain the nature and extent of land capable of being protected or partially protected by flood control or flood mitigation works from flooding or inundation;
- (v) to ascertain the existence and location of sub-surface waters and their nature and quality; and
- (vi) to enable the formation, co-ordination and implementation of plans for the assessment, conservation, protection, replenishment, utilisation and distribution of the surface and sub-surface water resources of New South Wales for the benefit of the public.

(2) The Commission may, in the exercise or performance of its powers, authorities, duties and functions under
20 this or any other Act, by its officers, employees or agents enter on any land and do all such things as are required—

(a) for the purpose of—

 (i) making and carrying out such inspections, tests, investigations, surveys, experiments, boring, drilling and exploration as are necessary for the full and effective exercise or performance of its powers, authorities, duties and functions under this or any other Act;

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- (ii) constructing, maintaining, operating or altering any works that it is empowered to construct or operate under this or any other Act; or
- (iii) implementing any proposals or plans referred to in subsection (1); or
- (b) for any other purpose connected with or related to or incidental to the exercise or performance of its powers, authorities, duties and functions under this or any other Act,

notwithstanding that an easement or right to enter the land may not have been granted or acquired.

(3) In the exercise of a power conferred by subsection (2) the Commission shall ensure that no more damage15 than is necessary in the circumstances is inflicted and shall fully compensate any person who sustains damage in the course of the exercise of that power.

(4) A power conferred by subsection (2) is in addition to any other power relating to entry on to land20 conferred by or under this or any other Act.

(5) For the purpose of enabling the Commission to exercise or perform the powers, authorities, duties and functions conferred or imposed on the Commission by or under this or any other Act, a public authority shall, on25 receiving from the Commission a request in writing in that behalf and as far as is practicable having regard to all the circumstances of the matter, carry out such work, render such assistance or provide such information as may be specified in the request and as the authority is empowered by law to carry 30 out, render or provide.

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Act No. , 1976.

Water Resources Commission.

12. (1) The Commission may establish standing or Appointment special committees or councils for the purposes of assisting or of committees, advising the Commission in the exercise or performance of its etc., and powers, authorities, duties and functions under this or any delegations.

5 other Act and may appoint as a member of any such committee or council any person who, in its opinion, appears to be qualified to be a member of that committee or council.

(2) The Commission shall appoint one of the members of a committee or council established under subsection10 (1) to be chairman of the committee or council and any such committee or council may, subject to any directions of the Commission, regulate its procedure in such manner as it thinks fit.

(3) The Commission may, by instrument in writing,15 delegate to any committee or council established under subsection (1), or to a commissioner or to any officer of the Commission, the exercise or performance of such of its powers (other than this power of delegation), authorities, duties and functions as may be specified in the instrument of delegation

20 and may, by a similar instrument, revoke any such delegation either wholly or in part.

(4) A delegation under subsection (3) may be made subject to such conditions or such limitations as to the exercise or performance of any of the powers, authorities, duties or 25 functions that have been delegated, or as to time or circumstance, as may be specified in the instrument of delegation.

(5) A power, authority, duty or function, the exercise or performance of which has been delegated under30 subsection (3) may, while the delegation remains unrevoked, be exercised or performed by the delegate from time to time in accordance with the terms of the delegation.

(6) Notwithstanding the making of any delegation under subsection (3), the Commission may continue to exercise or perform all or any of the powers, authorities, duties or functions that have been delegated.

- 5 (7) Any act, omission or thing done, omitted or undergone by a delegate while acting pursuant to a delegation made under subsection (3) shall have the same force and effect as if the act, omission or thing had been done, omitted or undergone by the Commission.
- 13. All proceedings against the Commission for anything Limitation 10 done or omitted or purporting to have been done or omitted of under this Act or under any other Act (whether passed before or after the commencement of this section) which confers or imposes any power, authority, duty or function on the Com-
- 15 mission, or in the exercise or performance of any power, authority, duty or function conferred or imposed by any such Act, shall be commenced within 3 years after the act or omission complained of was committed or made.
- 14. (1) No proceedings shall be commenced against the Notice 20 Commission or any person for anything done or omitted or of purporting to have been done or omitted under this Act or under any other Act (whether passed before or after the commencement of this section) which confers or imposes any power, authority, duty or function on the Commission, or
- 25 in the exercise or performance of any power, authority, duty or function conferred or imposed by any such Act, until 1 month at least after a notice in writing of the intended proceedings has been delivered to or left at the office of the Commission or person by the party intending to commence 30 those proceedings, or by his attorney or agent.

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(2)

(2) The notice shall clearly and explicitly state the cause of action and the court in which the proceedings are intended to be brought, and on the back of the notice there shall be endorsed the name and place of residence of the party 5 intending to commence the proceedings and, if the notice was served by an attorney or agent, the name and place of residence of business of that attorney or agent.

(3) A notice under this section shall not be deemed invalid by reason of any defect or inaccuracy therein unless10 the court before which the proceedings are tried is of opinion that the defendant in the action has been prejudiced in his defence by the defect or inaccuracy.

15. (1) If any irregularity, trespass, or other wrongful Tender of proceeding has been committed in the execution of this Act amends.
15 or of any other Act (whether passed before or after the commencement of this section) which confers or imposes any power, authority, duty or function on the Commission or in the exercise or performance of any power, authority, duty or function conferred or imposed by any such Act, and if, before
20 proceedings are brought in respect thereof, tender of sufficient amends is made to the person injured, that person shall not

recover in any such proceedings.

(2) If no such tender has been made, the defendant may, by leave of the court in which the proceedings are pend-25 ing at any time before issue is joined, pay into court such sum of money as the defendant thinks fit, and thereupon such proceedings shall be had as in other cases where defendants are allowed to pay money into court.

16. (1) The Commission may, with the approval of the Regulations.30 Governor, make regulations for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying

out

out or giving effect to this Act and, in particular, for or with respect to the control and regulation of officers and employees of the Commission.

(2) Regulations may be made so as to apply5 differently according to such factors as may be specified in the regulations.

17. Schedule 4 has effect.

Savings and transitional provisions.

Act, 1912.

18. The Irrigation Act, 1912, is amended in the manner Amendment of Irrigation

10 19. Each Act specified in Column 1 of Schedule 6 is Amendments amended in the manner specified opposite that Act in Column to other 2 of Schedule 6.

SCHEDULE 1.

Sec. 6.

PROVISIONS RELATING TO THE CHIEF COMMISSIONER AND COMMISSIONERS.

1. (1) The Chief Commissioner and a full-time commissioner shall Provisions respectively devote the whole of their time to the duties of their office relating to the Chief and shall respectively be paid—

relating to the Chief Commissioner and to commissioners

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(a) remuneration in accordance with the Statutory and Other st Offices Remuneration Act, 1975; and

(b) such travelling and subsistence allowances as the Minister may from time to time determine in respect of each of them.

(2) A part-time commissioner shall be paid such remuneration (including travelling and subsistence allowances) as the Minister may25 from time to time determine in respect of him.

(3) The Chief Commissioner and a commissioner or a person who has been Chief Commissioner or a commissioner shall, if otherwise qualified, be eligible for re-appointment as the Chief Commissioner or as a commissioner, as the case may be.

SCHEDULE 1-continued.

PROVISIONS RELATING TO THE CHIEF COMMISSIONER AND COMMISSIONERS—continued.

(4) Any such re-appointment shall be-

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- (a) in the case of a re-appointment as Chief Commissioner or as a full-time commissioner, for such term not exceeding 7 years; and
 - (b) in the case of a re-appointment as a part-time commissioner, for such term not exceeding 3 years,

10 as may be specified in the instrument of his re-appointment.

(5) On the occurrence of a vacancy in the office of Chief Commissioner or of a commissioner otherwise than by the expiration of the term for which he was appointed, the Governor may appoint a person to hold office as Chief Commissioner or as a commissioner for 15 the balance of his predecessor's term of office.

(6) A person appointed under subclause (5) shall be appointed on the nomination of the Minister.

2. (1) The Minister may appoint a person, other than a commis- Appointsioner, to act in the office of a full-time commissioner or of a part-time ment of sub-20 commissioner while that commissioner is absent from his office stitutes to through illness or other cause or is acting as Chief Commissioner, and act during the person so appointed shall, while so acting, be deemed to be a Chief Comfull-time commissioner or a part-time commissioner, as the case may missioner be, and have the immunities, powers, authorities, duties and functions and com-25 of the commissioner in whose office he is acting.

missioners.

(2) The Minister may appoint a full-time commissioner to act in the office of the Chief Commissioner while the Chief Commissioner is absent from his office through illness or other cause, and the commissioner so appointed shall, while so acting, be deemed to be the Chief Commissioner and have the immunities, powers, authorities, 30 duties and functions of the Chief Commissioner.

(3) The Minister may, for any cause which to him seems sufficient, remove from office any person appointed under subclause (1) or (2).

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SCHEDULE

SCHEDULE 1-continued.

PROVISIONS RELATING TO THE CHIEF COMMISSIONER AND COMMISSIONERS—continued.

(4) No person shall be concerned to inquire whether or not 5 any occasion has arisen requiring or authorising a person to act in the office of a commissioner or requiring or authorising a commissioner to act in the office of the Chief Commissioner, and all acts or things done or omitted by the person or commissioner while so acting shall be as valid and effectual, and shall have the same consequences, as

10 if they had been done or omitted by the commissioner in whose office the person was appointed to act or by the Chief Commissioner, as the case may be.

3. (1) The Chief Commissioner or a commissioner shall be Casual deemed to have vacated his office—

- 15 (a) if he dies;
 - (b) if, being the Chief Commissioner or a full-time commissioner, he engages without the approval of the Governor in any paid employment outside the duties of his office;
 - (c) if, being the Chief Commissioner or a full-time commissioner, he absents himself from duty for a period exceeding 14 consecutive days except—
 - (i) on leave granted by the Minister (which leave the Minister is hereby authorised to grant);
 - (ii) through illness or other unavoidable cause; or
 - (iii) pursuant to a right preserved by clause 4;
 - (d) if he becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration or allowances as Chief Commissioner or as a commissioner, or of his estate, for their benefit;
 - (e) if he becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act;
- 35 (f) if he is convicted in New South Wales of a crime or an offence punishable by imprisonment for 12 months or more, or if he is convicted elsewhere than in New South Wales of a crime or an offence which, if committed in New South Wales, would be a crime or an offence so punishable;

SCHEDULE

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SCHEDULE 1-continued.

PROVISIONS RELATING TO THE CHIEF COMMISSIONER AND COMMISSIONERS—continued.

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(g) if he resigns his office by writing under his hand addressed to the Governor and the Governor accepts the resignation; or

(h) if he is removed from office by the Governor for misbehaviour or incompetence under subclause (4).

(2) The Chief Commissioner or a full-time commissioner shall be deemed to have vacated his office on the day on which he attains 10 the age of 65 years.

(3) A part-time commissioner shall be deemed to have vacated his office on the day on which he attains the age of 70 years.

(4) The Governor may remove the Chief Commissioner or a commissioner from office on the grounds of misbehaviour or 15 incompetence.

4. (1) In this clause, "superannuation scheme" means a scheme, Preservation fund or arrangement under which any superannuation or retirement of certain rights of benefits are provided and which is established by or under any Act.

missioner and com-

(2) Subject to subclause (3) and to the terms of his appoint-missioners.
 20 ment, where the Chief Commissioner or a full-time commissioner, immediately before his appointment as such, was—

- (a) an officer of the Public Service;
- (b) a contributor to a superannuation scheme;
- (c) an officer employed by a statutory body; or
- (d) a person in respect of whom provision was made by any Act that he retain any rights accrued or accruing to him as an officer or employee,
 - he--

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(e) shall retain any rights and privileges accrued to him as such an officer, contributor or person;

SCHEDULE 1—continued.

PROVISIONS RELATING TO THE CHIEF COMMISSIONER AND COMMISSIONERS—continued.

- (f) may continue to contribute to any superannuation scheme to which he was a contributor immediately before his appointment as Chief Commissioner or as a commissioner; and
 - (g) shall be entitled to receive any deferred or extended leave and any payment, pension or gratuity,
- 10 as if he had continued to be such an officer, contributor or person during his service as Chief Commissioner or as a commissioner, as the case may be, and—
 - (h) his service as Chief Commissioner or as a commissioner shall be deemed to be service as an officer or employee for the purposes of any law under which those rights accrued or were accruing, under which he continues to contribute or by which that entitlement is conferred; and
 - (i) he shall be deemed to be an officer or employee and the Commission shall be deemed to be his employer for the purpose of the superannuation scheme to which he is entitled to contribute under this subclause.
 - (3) Where the Chief Commissioner or a commissioner-
 - (a) would, but for this subclause, be entitled under subclause
 (2) to contribute to a superannuation scheme, or to receive any payment, pension or gratuity under a superannuation scheme; and
 - (b) becomes a contributor to another superannuation scheme (whether on his appointment as Chief Commissioner or as a commissioner or at any later time while he holds office as such),

he ceases to be so entitled and subclause (2) (i) ceases to apply to or in respect of him.

(4) Subclause (3) does not prevent the payment to the Chief Commissioner or to a commissioner, on his ceasing to be a contributor35 to a superannuation scheme, of such amount as would have been payable to him if he had ceased, by reason of resignation, to be an officer or employee for the purposes of that scheme.

SCHEDULE

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SCHEDULE 1-continued.

PROVISIONS RELATING TO THE CHIEF COMMISSIONER AND COMMISSIONERS—continued.

(5) Neither the Chief Commissioner nor a commissioner shall, 5 in respect of the same period of service, be entitled to claim a benefit under this Act and another Act.

5. (1) In this clause-

Chief Commis-

ment in

former employment

in certain

"officer or employee of a prescribed authority" does not include sioner and the Chief Commissioner, a commissioner or a member of commissioners any other statutory body; entitled to

"prescribed authority" means the Commission and any other re-appointstatutory body;

"retiring age" means-

- cases. (a) in relation to a person who was, immediately before his appointment as Chief Commissioner or as a fulltime commissioner, an officer of the Public Servicethe age of 60 years; and
- (b) in relation to a person who was, immediately before his appointment as Chief Commissioner or as a fulltime commissioner, an officer or employee of a prescribed authority-the age at which officers or employees (being officers or employees of the class to which that person belonged immediately before his appointment as Chief Commissioner or as a commissioner) of that prescribed authority are entitled to retire.

(2) Where the Chief Commissioner ceases to hold office as such, otherwise than pursuant to clause 3 (1) (paragraph (g) excepted), and-

> (a) was, immediately before his appointment as Chief Commissioner; or

(b) in the case of a Chief Commissioner who, before his appointment as such, held office as a full-time commissioner, was, immediately before his appointment as a full-time commissioner,

an officer of the Public Service or an officer or employee of a prescribed authority, he shall, if he has not attained the retiring age, be entitled to be appointed to some office in the Public Service or, as

SCHEDULE

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SCHEDULE 1-continued.

PROVISIONS RELATING TO THE CHIEF COMMISSIONER AND COMMISSIONERS—continued.

the case may be, to some office in the service of that prescribed 5 authority, not lower in classification and salary than that which he held, where paragraph (a) applies, immediately before his appointment as Chief Commissioner or, where paragraph (b) applies, immediately before his appointment as a full-time commissioner.

(3) Where a full-time commissioner ceases to be a commis-10 sioner, otherwise than pursuant to clause 3 (1) (paragraph (g) excepted), and was, immediately before his appointment as a commissioner, an officer of the Public Service or an officer or employee of a prescribed authority, he shall, if he has not attained the retiring age, be entitled to be appointed to some office in the Public Service

15 or, as the case may be, to some office in the service of that prescribed authority, not lower in classification and salary than that which he held immediately before his appointment as a commissioner.

SCHEDULE 2.

Sec. 9.

RETIREMENT OF OFFICERS.

1. (1) Every officer of the Commission shall, subject to the Super- Officers 20 annuation Act, 1916, be entitled if he desires so to do, having attained between 60 and 65 the age of 60 years, to retire from the service of the Commission.

years of age entitled

(2) Any such officer may, unless called upon to retire as or may provided in subclause (3) and subject to the Superannuation Act, be called 25 1916, continue in the service of the Commission until he attains the upon to retire. age of 65 years.

(3) If any such officer continues in the service of the Commission after he has attained the age of 60 years, he may, at any time before he attains the age of 65 years, be called upon by the Com-30 mission to retire, and every such officer so called upon to retire shall

retire accordingly.

2. (1) Every officer of the Commission shall, immediately on attain-Officers ing the age of 65 years, retire from the service of the Commission, on attaining unless, notwithstanding his age, he continues in the service of the 65 years of age to 35 Commission as provided in subclause (2). retire

unless called on SCHEDULE to continue.

SCHEDULE 2-continued.

RETIREMENT OF OFFICERS—continued.

(2) Where any officer of the Commission has attained the age of 65 years and is willing to continue in the service of the Commission, 5 the Commission may, from time to time, continue to employ that officer for such fixed period not exceeding 12 months as the Commission in each case determines.

SCHEDULE 3.

EXTENDED LEAVE.

10 1. (1) Subject to this clause, the Chief Commissioner, a full-time absence after years commissioner or an officer of the Commission shall be entitled-

- (a) after 10 years' service, to leave for 2 months on full pay or 4 months on half pay; and
- (b) after service in excess of 10 years, to-

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- (i) leave pursuant to paragraph (a); and
- (ii) in addition, an amount of leave proportionate to his length of service after 10 years, calculated on the basis of 5 months on full pay, or 10 months on half pay, for 10 years served after service for 10 years.
- (2) For the purpose of calculating the entitlement of a person 20 to extended leave under this clause at any time-
 - (a) "service" includes service with The Water Conservation and Irrigation Commission, as a Chief Commissioner, a Commissioner or an officer;
- (b) there shall be deducted from the amount of extended leave 25 to which, but for this paragraph, that person would be entitled-
 - (i) any extended leave, or leave in the nature of extended leave; and
 - (ii) the equivalent, in extended leave, of any benefit instead of extended leave or leave in the nature of extended leave,

SCHEDULE

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Sec. 10.

Leave of

of service.

SCHEDULE 3-continued.

EXTENDED LEAVE—continued.

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taken or received by that person before that time, including any such leave taken, or benefit received, by that person pursuant to a repealed provision of the Irrigation Act, 1912; and

(c) the provisions of the Transferred Officers Extended Leave Act, 1961, shall have effect,

but nothing in this subclause shall be construed as authorising, in 10 respect of the same period of leave taken or the same benefit received, a deduction under both paragraph (b) and section 3 (7) of the Transferred Officers Extended Leave Act, 1961.

(3) Where-

- (a) a Chief Commissioner or a full-time commissioner vacates his office under clause 3 (1) (e) of Schedule 1 or under clause 3 (1) (g) of that Schedule on account of illness, incapacity or domestic or other pressing necessity; or
- (b) the services of an officer of the Commission are terminated by the Commission for any reason other than the officer's serious and wilful misconduct or by the officer on account of illness, incapacity or domestic or other pressing necessity,

and that Chief Commissioner, commissioner or officer has had at least 5 years' service as an adult and less than 10 years' service, he shall be entitled for 5 years' service to 1 month's leave on full pay and

- 25 for service after 5 years to a proportionate amount of leave on full pay calculated on the basis of 3 months' leave for 15 years' service (that service to include service as an adult and otherwise than as an adult).
 - (4) For the purposes of subclause (3), "service as an adult"-
- 30 (a) in the case of an officer of the Commission employed to do any work for which the remuneration has been fixed by an award made under the Commonwealth Conciliation and Arbitration Act 1904, as subsequently amended, or made under the Industrial Arbitration Act, 1940, or has been fixed by an industrial agreement made pursuant to or registered under either of those Acts—means the period of service during which the remuneration applicable to the officer was at a rate not lower than the lowest rate fixed under the award or industrial agreement for an adult male or adult female in the same trade, classification or calling as the officer; or

SCHEDULE

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SCHEDULE 3-continued.

EXTENDED LEAVE—continued.

(b) in the case of a Chief Commissioner or a full-time commissioner, or of an officer of the Commission employed to do any work for which the remuneration has not been fixed by an award or industrial agreement referred to in paragraph (a)—means the period of service during which that Chief Commissioner, commissioner or officer was not less than 21 years of age.

10 (5) For the purposes of subclause (1), "service" includes—

- (a) any period of leave without pay taken before the commencement of the Public Service and Other Statutory Bodies (Extended Leave) Amendment Act, 1963, while holding appointment as a commissioner or an officer of The Water Conservation and Irrigation Commission; and
- (b) in the case of a Chief Commissioner or a full-time commissioner, or an officer of the Commission, who has completed at least 10 years' service (any period of leave without pay taken before that commencement being included therein, and any period of leave without pay taken after that commencement being excluded therefrom)—any period of leave without pay, not exceeding 6 months, taken after that commencement.
- (6) For the purposes of subclause (3), "service" does not include any period of leave without pay whether taken before or after the commencement of the Public Service and Other Statutory Bodies (Extended Leave) Amendment Act, 1963.

(7) Where the Chief Commissioner, a full-time commissioner or an officer appointed to the service of the Commission was, imme-30 diately before that appointment, an officer of the Public Service or an officer in the employment of the Rural Bank of New South Wales or of any statutory body representing the Crown, his service as an officer of the Public Service or in the employment of that Bank or statutory body shall be deemed to be service with the Commission for the

35 purposes of this clause, but no person shall be entitled to claim benefits under this clause as well as under any other provision of this Act or under any other Act in respect of the same period of service.

2. (1) Where a Chief Commissioner or a full-time commissioner or Payment an officer of the Commission has acquired a right under clause 1 (1) of money 40 to extended leave with pay and dies before commencing it or after value of leave not token or token or

SCHEDULE completed.

leave not taken or

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SCHEDULE 3-continued.

EXTENDED LEAVE—continued.

- (a) the widow or widower of that Chief Commissioner, commissioner or officer; or
- (b) if there is no such widow or widower, the children of that Chief Commissioner, commissioner or officer; or
 - (c) if there is no such widow, widower or children, the person who, in the opinion of the Commission, was, at the time of the death of that Chief Commissioner, commissioner or officer, a dependent relative of that Chief Commissioner, commissioner or officer,

shall be entitled to receive the money value of the leave not taken, or not completed, computed at the rate of remuneration that that Chief Commissioner, commissioner or officer received at the time of

15 his or her death less any amount paid to that Chief Commissioner, commissioner or officer in respect of the leave not taken, or not completed.

(2) Where a Chief Commissioner or a full-time commissioner, or an officer of the Commission, with at least 5 years' service as an 20 adult and less than 10 years' service as referred to in clause 1 (3) dies—

- (a) the widow or widower of that Chief Commissioner, commissioner or officer; or
- (b) if there is no such widow or widower, the children of that Chief Commissioner, commissioner or officer; or
- (c) if there is no such widow, widower or children, the person who, in the opinion of the Commission, was, at the time of the death of that Chief Commissioner, commissioner or officer, a dependent relative of that Chief Commissioner, commissioner or officer,

shall be entitled to receive the money value of the leave which would have accrued to that Chief Commissioner, commissioner or officer had he vacated office or, as the case may be, had his services terminated as referred to in clause 1 (3), computed at the rate of 35 remuneration that that Chief Commissioner, commissioner or officer

received at the time of his death.

(3) Where there is a guardian of any children entitled under subclause (1) or (2), the payment to which those children are entitled may be made to that guardian for their maintenance, education and 40 advancement.

SCHEDULE

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SCHEDULE 3—continued.

EXTENDED LEAVE—continued.

(4) Where there is no person entitled under subclause (1) or
(2) to receive the money value of any leave not taken or not com5 pleted by a Chief Commissioner or a full-time commissioner or by an officer of the Commission or which would have accrued to a Chief Commissioner or a full-time commissioner or an officer of the Commission, payment in respect thereof shall be made to the personal representatives of that Chief Commissioner, commissioner or officer,
10 as the case may require.

(5) Any payment under this clause shall be in addition to any payment due under the Superannuation Act, 1916.

(6) Where payment of the money value of leave has been made under this Act, no proceedings may be brought against the Crown15 or the Commission for payment of any amount in respect of that leave.

3. (1) Where a Chief Commissioner or a full-time commissioner Gratuity or an officer of the Commission has acquired a right to extended instead of leave with pay under clause 1 (1) or (3), he shall, on vacating his extended

20 office or, as the case may be, on the termination of his service, be leave. paid forthwith instead of that leave the money value thereof as a gratuity in addition to any gratuity to which he may be otherwise entitled.

(2) Any pension to which that Chief Commissioner, commissioner or officer is entitled under the Superannuation Act, 1916, shall
 25 commence from the date on which his extended leave, if taken, would have commenced.

SCHEDULE 4.

Sec. 17.

SAVINGS AND TRANSITIONAL PROVISIONS.

(1) The corporation constituted under section 4 is a continua- The Comtion of, and the same legal entity as, the corporation constituted under mission.
 30 section 4a of the Irrigation Act, 1912, as in force immediately before the commencement of section 18.

SCHEDULE 4—continued.

SAVINGS AND TRANSITIONAL PROVISIONS—continued.

(2) Subject to this Act, a reference in any other Act or in any regulation, by-law or other statutory instrument or in any other 5 document, whether of the same or of a different kind, being a reference to, or a reference to be read or construed as a reference to, or to be deemed or taken to refer to, The Water Conservation and Irrigation Commission shall be construed as a reference to the Water Resources Commission.

- 10 (3) Subject to this Act, any act, matter or thing done or omitted to be done before the commencement of section 18 by, to or in respect of The Water Conservation and Irrigation Commission shall, to the extent that, but for the enactment of this Act, that act, matter or thing would on or after that commencement have had any
- 15 force or effect or been in operation, be deemed to have been done or omitted to be done by, to or in respect of the Water Resources Commission.

(4) No attornment to the Water Resources Commission by a lessee from The Water Conservation and Irrigation Commission shall20 be required.

2. (1) The person holding office as Chief Commissioner under The Chief section 4 of the Irrigation Act, 1912, as in force immediately before Commisthe commencement of section 18, shall continue in office as if he had sioner and combeen appointed Chief Commissioner under section 4 and he shall, missioners.

25 subject to Schedule 1, hold office for the remainder of the period specified in the instrument of his appointment under section 4 of the Irrigation Act, 1912, as so in force.

(2) The persons holding office as Commissioners under section 4 of the Irrigation Act, 1912, as in force immediately before the 30 commencement of section 18, shall continue in office as if they had been appointed full-time commissioners under section 5 and they shall, subject to Schedule 1, hold office for the remainder of the period specified in the instruments of their appointment under section 4 of the Irrigation Act, 1912, as so in force.

35 3. (1) The employment of all persons who, immediately before Officers and the commencement of section 18, were employed by The Water employees of Conservation and Irrigation Commission as officers or as servants or Commission. workmen shall continue as if those persons had respectively been appointed by the Commission as officers or as employees in accordance
 40 with section 9.

SCHEDULE

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SCHEDULE 4-continued.

SAVINGS AND TRANSITIONAL PROVISIONS—continued.

- (2) Any person referred to in subclause (1) shall-
- (a) subject to section 9 (6), retain all rights and privileges, which immediately before the commencement of section 18, were accruing or had accrued to him in his capacity as an officer, servant or workman in the service of The Water Conservation and Irrigation Commission as if those rights and privileges had been conferred on him in his capacity as an officer or, as the case may be, an employee of the Commission;
- (b) until subsequently varied by or in accordance with law, be paid remuneration at a rate not lower than that at which he was paid, and be subject to the same conditions of employment as those to which he was subject, immediately before that commencement; and
- (c) owe the same contractual obligations to the Commission as he owed to The Water Conservation and Irrigation Commission immediately before that commencement.
- 20 4. Any regulations in force under section 26 (1) (r) of the Irriga-Regulations. tion Act, 1912, as in force immediately before the commencement of section 18, shall be deemed to be regulations made under this Act and every reference in those regulations to a servant shall be construed as if it were a reference to an employee of the Commission.

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SCHEDULE 5.

Sec. 18.

AMENDMENTS TO THE IRRIGATION ACT, 1912.

(1) Long title—

Omit "for the appointment of a commissioner and other officers;".

SCHEDULE

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SCHEDULE 5-continued.

AMENDMENTS TO THE IRRIGATION ACT, 1912-continued.

(2) Section 1—

Omit the matter relating to Part II, insert instead :---

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PART II.—IRRIGATION AREAS—ss. 5G-7C.

(3) (a) Section 3, definition of "Chief Commissioner"-

Omit the definition.

(b) Section 3, definition of "Commission"-

Omit the definition of "The Commission", insert instead :---

"Commission" means the Water Resources Commission constituted under section 4 of the Water Resources Commission Act, 1976.

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(c) Section 3, definition of "Commissioner"-

Omit the definition.

(d) Section 3, definition of "Discharged soldier"-

Omit ", as amended by the Returned Soldiers Settlement (Amendment) Act, 1917, and the Returned Soldiers Settlement (Amendment) Act, 1919".

(e) Section 3, definition of "Prescribed"-

Omit the definition.

SCHEDULE 5-continued.

AMENDMENTS TO THE IRRIGATION ACT, 1912-continued.

(4) Sections 4-5F-

Omit the sections and the heading before section 5.

5 (5) (a) Section 5G—

Omit ", as amended by subsequent Acts" wherever occurring.

(b) Section 5G-

Omit ", as so amended" wherever occurring.

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(c) Section 5G (2) (b), (c), (d), (e)-

Omit "said advisory" wherever occurring, insert instead "advisory".

(d) Section 5G (2) (d) (i)-

Omit "the said", insert instead "that".

15 (6) (a) Section 6 (1)—

Omit ", or any Act amending the same".

(b) Section 6 (4)—

Omit ", as amended by subsequent Acts".

SCHEDULE 5-continued.

AMENDMENTS TO THE IRRIGATION ACT, 1912-continued.

(7) (a) Section 6A(1)—

Omit ", and any Acts amending the same".

(b) Section 6A(1)— 5

> Omit "the said" wherever occurring, insert instead "those".

(8) (a) Section 7-

Omit "such Act" wherever occurring, insert instead "that Act".

(b) Section 7 (1) (c)—

Omit "said".

(9) Section 8—

Omit the section, insert instead :---

8. The Commission, in addition to the powers, Powers, authorities, duties and functions conferred or imposed authorities, duties and expressly on it by or under this Act-

functions of Commission

(a) shall, subject to this Act and any regulations Act. made under this Act, have control of any irrigation area and any works within or used in connection with any such area; and

SCHEDULE

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SCHEDULE 5—continued.

AMENDMENTS TO THE IRRIGATION ACT, 1912—continued.

(b) may dispose of land in an irrigation area in accordance with the Crown Lands Consolidation Act, 1913.

(10) Sections 8A, 8C-

Omit the sections.

(11) (a) Section 9 (1) (g)—

Omit "fit;", insert instead "fit :".

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(b) Section 9 (1) (h)—

Omit the paragraph.

(c) Section 9 (2), (3)—

Omit ", as amended by subsequent Acts" wherever occurring.

15 (d) Section 9 (2) (b), (c)—

Omit "the said Act as so amended" wherever occurring, insert instead "that Act".

(12) Section 11—

Omit the section. 654-c

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SCHEDULE 5-continued.

AMENDMENTS TO THE IRRIGATION ACT, 1912-continued.

(13) Section 11D (1A)-

Omit "1932-1939", insert instead "1932".

5(14) (a) Section 11G (2)—

Omit "or any Act amending the same".

(b) Section 11G (2)—

Omit "the Irrigation Act, 1912–1946", insert instead "this Act".

10 (15) Section 111-

Omit ", as amended by subsequent Acts" wherever occurring.

(16) Sections 17B, 17C, 17D-

Omit the sections.

15 (17) (a) Section 18 (3)—

Omit "as amended by subsequent Acts".

(b) Section 18 (3)-

Omit "Conservation and Irrigation", insert instead "Resources".

SCHEDULE 5-continued.

AMENDMENTS TO THE IRRIGATION ACT, 1912-continued.

(c) Section 18 (3)-

Omit "said" where firstly occurring.

5 (d) Section 18 (3)—

Omit "said" where secondly and thirdly occurring, insert instead "those".

(18) Section 191-

Omit "such section", insert instead "section 19H".

10 (19) (a) Section 20 (1)—

Omit ", or any Act amending the same" wherever occurring.

(b) Section 20 (1)-

Omit "the said", insert instead "those".

15 (c) Section 20 (1)—

Omit ", and the Acts amending it".

(d) Section 20 (2), (3)—

Omit "the said" wherever occurring, insert instead "that".

SCHEDULE 5—continued.

AMENDMENTS TO THE IRRIGATION ACT, 1912-continued.

(20) Section 20A-

Omit "Secretary", insert instead "Minister".

5 (21) Section 22—

Omit ", and any Acts amending the same".

(22) (a) Section 22A (2)-

Omit "the provisions of the next preceding subsection, such", insert instead "subsection (1), the".

(b) Section 22A (3), (5)—

Omit "the said" wherever occurring, insert instead "that".

(23) Section 23A-

15 Omit the section.

(24) (a) Section 25—

Omit "1912-1936", insert instead "1912".

SCHEDULE

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SCHEDULE 5-continued.

AMENDMENTS TO THE IRRIGATION ACT, 1912-continued.

(b) Section 25—

Omit "the said", insert instead "those".

5 (25) Section 26 (1) (r)-

Omit the paragraph.

(26) Section 28 (2)-

Omit the subsection, insert instead :---

(2) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation made under this Act as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.

(27) Section 30-

15 Omit "or police magistrate".

SCHEDULE

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Act No. , 1976.

Water Resources Commission.

SCHEDULE 6.

Sec. 19.

AMENDMENTS TO OTHER ACTS.

	Colu	mn 1.	Column 2.
5	Year and number of Act.	Short title of Act.	Amendment.
10	54 Vic. No. 7	Wentworth Irrigation Act.	Long title— Omit "to vest certain lands in the Council of the Municipality of Wentworth, to enable the said Council to establish", insert instead "to provide for the administration of certain land vested in the Water Resources Commission,
15			to enable the Commission to establish and administer".
20			Section 2— Omit " "Municipalities Act of 1867," or the "Country Towns Water and Sewerage Act of 1880," ", insert instead "Local Government Act, 1919,".
25			Section 4, definition of "Commission"— After the definition of "Bank", insert:— "Commission" means the Water Re- sources Commission constituted under section 4 of the Water Resources
30			Commission Act, 1976. Section 4, definition of "Owner"— Omit "The Water Conservation and Irri- gation Commission", insert instead "the Commission".
35			Section 4, definition of "Prescribed"— Omit the definition, insert instead:— "Prescribed" means prescribed by this Act or by regulations or by-laws under this Act.
40			Section 4, definition of "The Trust"— Omit the definition. Section 4— Omit the matter relating to Parts II, III and IV, insert instead:—
45			PART II.—Administration. Part II, heading— Omit "Constitution of Trust.", insert instead "Administration.".

SCHEDULE 6—continued.

AMENDMENTS TO OTHER ACTS—continued.

	Colu	nn 1.	Column 2.
5	Year and number of Act.	Short title of Act.	Amendment.
10	54 Vic., No. 7 —continued.	Wentworth Irrigation Act— continued.	Section 5— Omit the section, insert instead:— Adminis- 5. This Act shall be adminis- tration tered by the Commission and of Act. shall be read subject to the provisions of the Irrigation Act,
15			1912, the Water Act, 1912, and the Water Resources Com- mission Act, 1976.
20			Sections 6-9 Omit the sections. Section 10 Omit the section, insert instead :
25			Property 10. (1) The following property vested in shall continue to be vested in the the Com- mission. Commission for the purposes of of this Act:— (a) so much of the irri- gation area as is vested
30			in the Commission at the commencement of section 19 of the Water Resources Commission Act, 1976, except such land as the Minister
35			may decide to set apart from time to time for public purposes or as may from time to time be resumed or disposed
40			of under this or any other Act; (b) all dams, weirs, flood- gates, culverts, aque- ducts, sluices, flumes,
45			pipes, engines, pump- ing machinery, reser- voirs and other works constructed or erected pursuant to this Act; and

SCHEDULE 6—continued.

AMENDMENTS TO OTHER ACTS-continued.

	Colu	mn 1.	Column 2.	
5	Year and number of Act.	Short title of Act.	Amendment.	
10	54 Vic., No. 7 —continued.	Wentworth Irrigation Act— continued.	(c) the water which is at any time in the lake known as Fletcher's Lake, near Wentworth, or other natural source	
15			of water within the irrigation area, or in any pipe, reservoir or other work constructed pursuant to this Act.	
20			(2) The property referred to in subsection (1) shall be held and administered by the Com- mission, subject to the pro- visions of this Act, but no part	
25			of that property shall be sold except with the consent of the Governor. (3) Nothing in this Act shall be construed as in any way	
30			interfering with the right, con- ferred before the commencement of section 19 of the Water Resources Commission Act, 1976, by any lease from the	
35			Crown, of any person to take or use the water in Fletcher's Lake. Part III, heading— Omit the heading.	
40			Section 11— Omit "Trust" where firstly occurring, insert instead "Commission". Section 11 (VI)— Omit "by the Trust", insert instead "under	
45			this Act by the Commission". Section 11 (VI)— Omit "require the Trust", insert instead "require the Commission". Section 11—	
50			Omit "authorize the Trust", insert instead "authorize the Commission". Sections 12-16— Omit the sections.	

SCHEDULE

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Water Resources Commission.

SCHEDULE 6—continued.

AMENDMENTS TO OTHER ACTS-continued.

	Colu	ımn 1.	Column 2.
5	Year and number of Act.	Short title of Act.	Amendment.
10	54 Vic. No. 7— continued.	Wentworth Irrigation Act —continued.	to direct the Trust at any time to cease to employ any engineer or surveyor he may think proper at any time and from
15			time to time.". Section 18— Omit the section. Sections 19, 20, 21, 22—
20			 Omit "Trust" wherever occurring, insert instead "Commission". Section 22A (1)— Omit "Water Conservation and Irrigation Commission (hereinafter in this section referred to as the Commission)", insert
25			instead "Commission". Sections 23, 24— Omit "Trust" wherever occurring, insert instead "Commission".
30			Section 25— Omit "Trust" where firstly occurring, insert instead "Commission under this Act". Section 25— Omit "Trust" where secondly, thirdly and
35	R.		fourthly occurring, insert instead "Commission". Section 26— Omit "Trust", insert instead "Commission". Section 27—
40			Omit "Trust" where firstly, secondly and thirdly occurring, insert instead "Com- mission". Section 27— Omit "Trust Funds", insert instead "funds
45			of the Commission". Sections 28, 29, 30— Omit "Trust" wherever occurring, insert instead "Commission". Section 31 (1)—
50			Omit "Water Conservation and Irrigation". Section 31 (2) (a)— Omit "said" wherever occurring.

SCHEDULE 6—continued.

AMENDMENTS TO OTHER ACTS—continued.

	Colu	ımn 1.	Column 2.	
5	Year and number of Act.	Short title of Act.	Amendment.	
10	54 Vic. No. 7– continued.	- Wentworth Irrigation Act <i>—continued</i> .	Section 32— Omit the section, insert instead :— By-laws. 32. (1) The Commission may make by-laws, not inconsistent with this Act, for or with respect	
15			to any matter that, by this Act, is required or permitted to be prescribed by by-laws or that is necessary or convenient to be prescribed by by-laws for	
20			carrying out or giving effect to this Act and, in particular, for or with respect to— (a) the administration and maintenance of the	
25		a.ule	works constructed pursuant to this Act; (b) the manner of fixing the charges for water supplied and the time	
30			and manner of their payments, and the con- ditions on which the water shall be supplied; and	
35			 (c) the time and manner of payment of the rate fixed by the Com- mission. (2) A by-law made under 	
40			subsection (1) may impose a penalty for any contravention of, or failure to comply with, that by-law or any other by-law made under that subsection,	
45			not exceeding \$200. (3) Section 41 of the Interpretation Act, 1897, applies in respect of a by-law made under subsection (1) as if this	
50			Act had been passed after the commencement of the Inter- pretation (Amendment) Act, 1969.	

SCHEDULE 6—continued.

AMENDMENTS TO OTHER ACTS—continued.

	Colu	mn 1.	Column 2.
5	Year and number of Act.	Short title of Act.	Amendment.
10	54 Vic. No. 7— continued.	Wentworth Irrigation Act <i>—continued</i> .	Regula- tions. 33. (1) The Governor may make regulations, not incon- sistent with this Act, for or
15			with respect to any matter that, by this Act, is required or permitted to be prescribed by regulations or that is necessary or convenient to be prescribed
20			for carrying out or giving effect to this Act, and, in particular, for or with respect to the form of lease to be used under this Act.
25			(2) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation as if this Act had been passed after the commencement of the
30			Interpretation (Amendment) Act, 1969. Part IV— Omit the Part.
35			Section 47 (a)— Omit ", whether such person is acting under the authority of the Trust or of the Minister", insert instead "acting under the authority of the Commission under this Act".
40			Section 47 (d)— Omit "Trust", insert instead "Commission under this Act". Section 47 (e)—
45			Omit "by the Trust" wherever occurring, insert instead "under this Act by the Commission". Section 47— After "two Justices", insert "or a
50			stipendiary magistrate sitting alone". Section 48— Omit "Trust", insert instead "Commission under this Act".

SCHEDULE 6-continued.

AMENDMENTS TO OTHER ACTS—continued.

	Colu	mn 1.	Column 2.	
5	Year and number of Act.	Short title of Act.	Amendment.	
0	54 Vic. No. 7— continued.	Wentworth Irrigation Act —continued.	stipendiary magistrate sitting alone". Section 49— After "two Justices", insert "or a	
5			stipendiary magistrate sitting alone". Section 51— Omit the section.	
	1902, No. 57	Hay Irrigation Act, 1902.		
20			and IV, insert instead:— Part II.— <i>Administration—ss.</i> 6-29. Section 3— Omit "Municipalities Act, 1897, or the Country Towns Water and Sewerage	
5			Act of 1880", insert instead "Local Government Act, 1919,". Section 5, definition of "Commission"— After the definition of "Bank", insert:— "Commission" means the Water	
0			Resources Commission constituted under section 4 of the Water Resources Commission Act, 1976. Section 5, definition of "Irrigation area"— Omit "trust", insert instead "Commission".	
5			Section 5, definition of "Prescribed"— Omit the definition. Section 5, definition of "The trust"— Omit the definition. Part II, heading—	
0	, del		Omit the heading, insert instead: PART II. Administration. Section 6	
5			Omit the section, insert instead:— Adminis- 6. This Act shall be adminis- tration of tered by the Commission and Act. shall be read subject to the provisions of the Irrigation Act, 1912, the Water Act, 1912,	
0	e. :	arrent in trees t	and the Water Resources Commission Act, 1976. Sections 7–10– Omit the sections.	

SCHEDULE

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SCHEDULE 6—continued.

AMENDMENTS TO OTHER ACTS—continued.

	Colu	mn 1.	Column 2.
5	Year and number of Act.	Short title of Act.	Amendment.
10	1902, No. 57— continued.	Hay Irrigation Act, 1902— continued.	Property 11. (1) The following vested property shall continue to be in the vested in the Commission for Commis- the purposes of this Act:— sion.
15			(a) so much of the irrigation area as is vested in the Commission at the commencement of
20	2		section 19 of the Water Resources Commission Act, 1976, except such land as the Minister may
25			decide to set apart from time to time for public purposes or as may from time to time be resumed or
30			disposed of under this or any other Act; (b) all dams, weirs, flood-gates, culverts, aqueducts, sluices,
35			flumes, pipes, engines, pumping- machinery, reservoirs and other works constructed or erected
40			pursuant to this Act; and (c) the water which is at any time in any pipe, reservoir, creek, dam
45			or other work con- structed pursuant to this Act. (2) The property referred to in subsection (1)
50			shall be held and administered by the Commission, subject to the provisions of this Act.

SCHEDULE 6—continued.

AMENDMENTS TO OTHER ACTS—continued.

	Colu	imn 1.	Column 2.
5	Year and number of Act.	Short title of Act.	Amendment.
10	1902, No. 57— continued.	Hay Irrigation Act, 1902— continued.	Alteration 12. The Governor may, by of Second notice published in the Gazette, Schedule. amend the Second Schedule by altering the boundaries described in the Schedule.
15			Part III, heading— Omit the heading. Section 13 (1)— Omit "trust", insert instead "Commission".
20			Section 13 (2)— Omit "by the trust", insert instead "under this Act by the Commission". Section 13 (2)—
25			Omit "require the trust", insert instead "require the Commission". Section 13 (3)—
23			Omit "trust", insert instead "Commission" Section 14— Omit "trust in pursuance of this Act" insert instead "Commission".
30			Section 14— Omit "compensated by the trust", insert instead "compensated by the Com- mission".
35			Sections 15, 16, 17— Omit "trust" wherever occurring, inser- instead "Commission". Section 17A (1) (a)—
40			Omit "the Water Conservation and Irrigation Commission (hereinafter in this section referred to as "the Commission")", insert instead "the
			Commission". Sections 18, 19, 20, 21, 22, 23 (1), (2), 24– Omit "trust" wherever occurring, inser instead "Commission".
45			Section 23 (4)— Omit "trust funds", insert instead "fund of the Commission". Section 25 (1)—
50			Omit "Water Conservation and Irrigation" Section 25 (2), (3), (4)— Omit "said" wherever occurring. Section 26 (2)—
			Omit "trust", insert instead "Commission"

SCHEDULE 6—continued.

AMENDMENTS TO OTHER ACTS-continued.

	Colu	mn 1.	Column 2.
5	Year and number of Act.	Short title Act.	Amendment.
10 15	1902, No. 57— continued.	Hay Irrigation Act, 1902— continued.	Section 26 (4)— Omit the subsection. Section 27— Omit "trust" wherever occurring, insert instead "Commission". Section 28— Omit the section, insert instead:
			By-laws. 28. (1) The Commission may make by-laws, not inconsistent with this Act, for or with
20			respect to any matter that, by this Act, is required or per- mitted to be prescribed by by-laws or that is necessary or convenient to be prescribed by
25			by-laws for carrying out or giving effect to this Act and, in particular, for or with respect to— (a) the administration and
30			(b) the conditions on which water shall be
35			(c) the mode of levying rates for the supply of any such water. (2) A by-law made under
40			subsection (1) may impose a penalty for any contravention of, or failure to comply with, that by-law or any other by-law made under that subsection.
45			not exceeding \$200. (3) Section 41 of the Interpretation Act, 1897, applies in respect of a by-law made
50			under subsection (1) as if this Act had been passed after the commencement of the Inter- pretation (Amendment) Act, 1969.

SCHEDULE

SCHEDULE 6—continued.

AMENDMENTS TO OTHER ACTS—continued.

	Colu	umn 1.	Column 2.
5	Year and number of Act.	Short title of Act.	Amendment.
0	1902, No. 57— continued.	- Hay Irrigation Act, 1902— continued.	Section 29— Omit the section, insert instead: Regula- tions. make regulations, not incon- sistent with this Act, for or
5			with respect to any matter that, by this Act, is required or permitted to be prescribed by regulations or that is necessary or convenient to be prescribed
20			for carrying out or giving effect to this Act. (2) Section 41 of the Interpretation Act, 1987, applies in respect of a regulation as if
5			this Act had been passed after the commencement of the Inter- pretation (Amendment) Act, 1969.
0			Omit the Part. Section 42 (a)— Omit ", whether such person is acting under the authority of the trust or of the Minister", insert instead "acting under
5			the authority of the Commission under this Act". Section 42 (d)— Omit "trust", insert instead "Commission under this Act".
0			Section 42 (e)— Omit "by the trust" wherever occurring, insert instead "under this Act by the Commission". Section 43—
5			Omit "trust" wherever occurring, insert instead "Commission". Section 44— Omit "trust", insert instead "Commission under this Act".
50			Section 47— Omit the section. Second Schedule— Omit "Water Conservation and Irrigation".

SCHEDULE

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SCHEDULE 6—continued.

AMENDMENTS TO OTHER ACTS—continued.

	Colu	mn 1.	Column 2.
5	Year and number of Act.	Short title of Act.	Amendment.
10	1902, No. 78	Balranald Irrigation Act, 1902.	Section 1— Omit the matter relating to Parts II, III and IV, insert instead:— PART II.—Administration—ss. 5-35. Section 2 (5)—
15			Omit "Municipalities Act, 1897, or the Country Towns Water and Sewerage Act of 1880", insert instead "Local Government Act, 1919". Section 4, definition of "Commission"—
20			Before the definition of "Domestic use", insert:— "Commission" means the Water Re- sources Commission constituted under section 4 of the Water Resources Com-
25			mission Act, 1976. Section 4, definition of "Prescribed"— Omit the definition. Section 4, definition of "The Trust"— Omit the definition.
30			Part II, heading— Omit the heading, insert instead:— PART II. Administration. Section 5—
35			Omit the section, insert instead: Adminis- tration tered by the Commission and of Act. shall be read subject to the provisions of the Irrigation Act,
40			1912, the Water Act, 1912, and the Water Resources Com-
			mission Act, 1976. Sections 6-9— Omit the sections.
45	6.13		Section 10— Omit the section, insert instead:— Property 10. (1) The following pro- vested in perty shall continue to be vested
50			the Com- mission. in the Commission for the pur- poses of this Act:— (a) so much of the irri- gation area as is vested in the Commission at

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SCHEDULE 6—continued.

AMENDMENTS TO OTHER ACTS—continued.

	Column 1.		Column 2.
5	Year and number of Act.	Short title of Act.	Amendment.
10	1902, No. 78— continued.	Balranald Irrigation Act, 1902— continued.	the commencement of section 19 of the Water Resources Commission Act, 1976, except such
15			land as the Minister may decide to set apart from time to time for public purposes or as may from time to time be resumed or disposed
20			of under this or any other Act; (b) all dams, weirs, flood- gates, culverts, aque- ducts, sluices, flumes,
25			pipes, engines, pump- ing machinery, reser- voirs and other works constructed or erected pursuant to this Act:
30			and (c) the water which is at any time in any swamp or creek near or within
35			the irrigation area, or in any pipe, reservoir or other work con- structed pursuant to this Act.
40			(2) The property referred to in subsection (1) shall be held and administered by the Com- mission, subject to the pro- visions of this Act, but no part
45			of the land described in the First Schedule shall be sold except with the consent of the Governor. Part III, heading—
50			Omit the heading. Section 11 (1)— Omit "Trust" wherever occurring, insert instead "Commission".

SCHEDULE

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SCHEDULE 6-continued.

AMENDMENTS TO OTHER ACTS-continued.

	Colu	ımn 1.	Column 2.
5	Year and number of Act.	Short title of Act.	Amendment.
10	1902, No. 78— continued.	Balranald Irrigation Act, 1902— continued.	Section 11 (1)— Omit "at any time after submitting to the Minister a general plan and description of the scheme and obtaining his sanction for the same".
15			Section 11 (2)— Omit "by the Trust", insert instead "under this Act by the Commission". Section 11 (2)—
20		annia ann an Ann anns an	Omit "require the Trust", insert instead "require the Commission". Section 11 (2)— Omit "such Trust", insert instead "the Commission".
25			Section 11 (3)— Omit "Trust", insert instead "Commission." Sections 12–15— Omit the sections. Section 16 (2)—
30			Omit the subsection. Section 17— Omit the section. Sections 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28—
35			Omit "Trust" wherever occurring, insert instead "Commission". Section 29 (1), (2)— Omit "Trust" wherever occurring, insert instead "Commission".
40			Section 29 (4)— Omit "Trust Funds", insert instead "funds of the Commission". Sections 30, 31, 32— Omit "Trust" wherever occurring, insert
45			instead Commission". Section 33 (1), (3)— Omit "Trust" wherever occurring, insert instead "Commission". Section 33 (4)—
50			Omit "Trust" where firstly occurring, insert instead "Commission". Section 33 (4)— Omit "Trust" where secondly occurring, insert instead "Commission under this Act".

SCHEDULE

SCHEDULE 6—continued.

AMENDMENTS TO OTHER ACTS-continued.

	Column 1.		Column 2.	
5	Year and number of Act.	Short title of Act.	Amendment.	
10	1902, No. 78— continued.	Balranald Irrigation Act, 1902— <i>continued</i> .	Section 34— Omit the section, insert instead:— By-laws. 34. (1) In addition to the by- laws set out in the Second	
15			Schedule, the Commission may make by-laws, not inconsistent with this Act, for or with respect to any matter that, by this Act, is required or permitted to be prescribed by by-laws or that is	
20			necessary or convenient to be prescribed by by-laws for carry- ing out or giving effect to this Act and, in particular, for or with respect to—	
25			 (a) the administration and maintenance of the works constructed pur- suant to this Act; (b) the conditions on 	
30			which water shall be supplied; (c) the mode of assessing property and levying rates; and	
35			(d) the ensuring of bona fide settlement, im- provement and culti- vation of land within the irrigation area, and	
40			all matters relating thereto. (2) A by-law made under subsection (1) may impose a penalty for any contravention	
45	in de Second		of, or failure to comply with, that by-law or any other by-law made under that subsection, not exceeding \$200.	

SCHEDULE

SCHEDULE 6—continued.

AMENDMENTS TO OTHER ACTS—continued.

	Column 1.		Column 2.	
5	Year and number of Act.	Short title of Act.	Amendment.	
10 15	1902, No. 78— continued.	Balranald Irrigation Act, 1902— <i>continued</i> .	(3) Section 41 of the In- terpretation Act, 1897, applies in respect of a by-law made under subsection (1) as if this Act had been passed after the commencement of the Inter- pretation (Amendment) Act, 1969.	
20			Section 35— Omit the section, insert instead:— Regula- 35. (1) The Governor may tions. make regulations, not inconsis- tent with this Act, for or with respect to any matter that, by	
25			this Act, is required or permitted to be prescribed by regulations or that is necessary or con- venient to be prescribed for carrying out or giving effect to this Act, and, in particular, for	
30			or with respect to the form of lease to be used under this Act. (2) Section 41 of the In- terpretation Act, 1897, applies in respect of a regulation as if	
35			this Act had been passed after the commencement of the Inter- pretation (Amendment) Act, 1969. Part IV—	
40			Omit the Part. Section 49 (a)— Omit ", whether such person is acting under the authority of the Trust or of the	
45			Minister", insert instead "acting under the authority of the Commission under this Act". Section 49 (d)— Omit "Trust", insert instead "Commission	
50			under this Act". Section 49 (e)— Omit "by the Trust" wherever occurring, insert instead "under this Act by the Commission".	

SCHEDULE

SCHEDULE 6—continued.

AMENDMENTS TO OTHER ACTS—continued.

	Column 1.		Column 2.	
5	Year and number of Act.	Short title of Act.	Amendment.	
10	1902, No. 78— continued.	Balranald Irrigation Act, 1902— continued.	Section 50— Omit "Trust", insert instead "Commission under this Act". Section 53— Omit the section. Second Schedule, heading—	
15			Omit "and regulations". Second Schedule— Omit "Trust" wherever occurring, insert instead "Commission".	
20	1912, No. 44	Water Act, 1912.	Section 4, definition of "Commission"— Before the definition of "Crown lands", insert:— "Commission" means the Water Resources Commission constituted under section 4 of the Water Resources	
25			Commission Act, 1976. Section 4, definition of "The Commission"— Omit the definition. Section 30 (2)—	
30	1913, No. 7	Crown Lands Consolidation Act, 1913.	1912", insert:	
35			gation area, means the Water Resources Commission constituted under section 4 of the Water Resources Commission Act, 1976. Section 5 (1), definition of "The Com- mission"—	
40			mission"— Omit the definition. Section 25A (4)— Omit "The Water Conservation and Irrigation Commission", insert instead	
45	1915, No. 8	River Murray Waters Act, 1915.	"the Water Resources Commission". Section 13 (2) (a)— Omit "The Water Conservation and Irrigation Commission", insert instead "the Water Resources Commission".	
50			Section 13 (2) (b)— Omit "The Water Conservation and Irrigation Commission", insert instead "the Water Resources Commission".	

SCHEDULE

SCHEDULE 6—continued.

AMENDMENTS TO OTHER ACTS—continued.

Column 1.		ımn 1.	Column 2.
5	Year and number of Act.	Short title of Act.	Amendment.
10	1915, No. 8— continued.	River Murray Waters Act, 1915— continued.	Irrigation Commission" where lastly occurring, insert instead "the Water Resources Commission".
15			Section 13 (3)— Omit "The Water Conservation and Irrigation Commission" wherever occurring, insert instead "the Water Resources Commission".
20			Section 13 (3)— Omit "servant", insert instead "employee". Section 15— Omit "The Water Conservation and Irrigation Commission" wherever occurring, insert instead "the Water
25			Resources Commission". Section 16 (a)— Omit "The Water Conservation and Irrigation Commission", insert instead "the Water Resources Commission".
30	1916, No. 28	Superannuation Act, 1916.	Schedule III— Omit "The Commissioner for Water Conservation and Irrigation", insert instead "The Water Resources Com- mission".
35	1941, No. 54	Irrigation (Amendment) Act, 1941.	Section 2, definition of "Commission"-
40	1944, No. 15	Crown Employees Appeal Board Act, 1944.	Resources Commission Act, 1976. Second Schedule— Omit "The Water Conservation and Irrigation Commission", insert instead "The Water Resources Commission".
45	1946, No. 22		Long title— Omit "Conservation and Irrigation", insert instead "Resources". Section 2, definition of "Commission"— Omit the definition, insert instead :—
50			"Commission" means the Water Resources Commission constituted under section 4 of the Water Resources Commission Act, 1976.

SCHEDULE

SCHEDULE 6—continued.

AMENDMENTS TO OTHER ACTS—continued.

	Colum	n 1.	Column 2.
5	Year and number of Act.	Short title of Act.	Amendment.
10	1947, No. 10	New South Wales- Queensland Border Rivers Act, 1947.	Section 4, definition of "Controlling Authority"— Omit "Conservation and Irrigation", insert instead "Resources". Section 14— Omit "Conservation and Irrigation"
15			wherever occurring, insert instead "Resources". Section 20— Omit "Conservation and Irrigation", insert instead "Resources".
20	1948, No. 20	Rivers and Foreshores Improvement Act, 1948.	Section 2, definition of "Commission"— After the definition of "Board", insert:—
25			Commission Act, 1976. Section 2, definition of "Constructing Authority"— From paragraph (b), omit "Water Con- servation and Irrigation".
30	1956, No. 10	Hunter Valley Flood Miti-	Section 2, definition of "The Commission"— Omit the definition. Section 2 (1), definition of "Commission"—
35		gation Act, 1956.	"Commission" means the Water Resources Commission constituted under section 4 of the Water Resources Commission Act, 1976.
40	1957, No. 28	Attachment of Wages Limitation Act, 1957.	Schedule— Omit "Conservation and Irrigation", insert instead "Resources".
	1970, No. 78	Clean Waters Act, 1970.	authority"—
45			Omit "Conservation and Irrigation", insert instead "Resources". Section 6 (2) (b) (iii)— Omit the subparagraph, insert instead:—
50			 (iii) one shall be a representative of the Water Resources Commission nominated by the Minister ad- ministering the Water Resources Commission Act, 1976;

SCHEDULE

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Water Resources Commission.

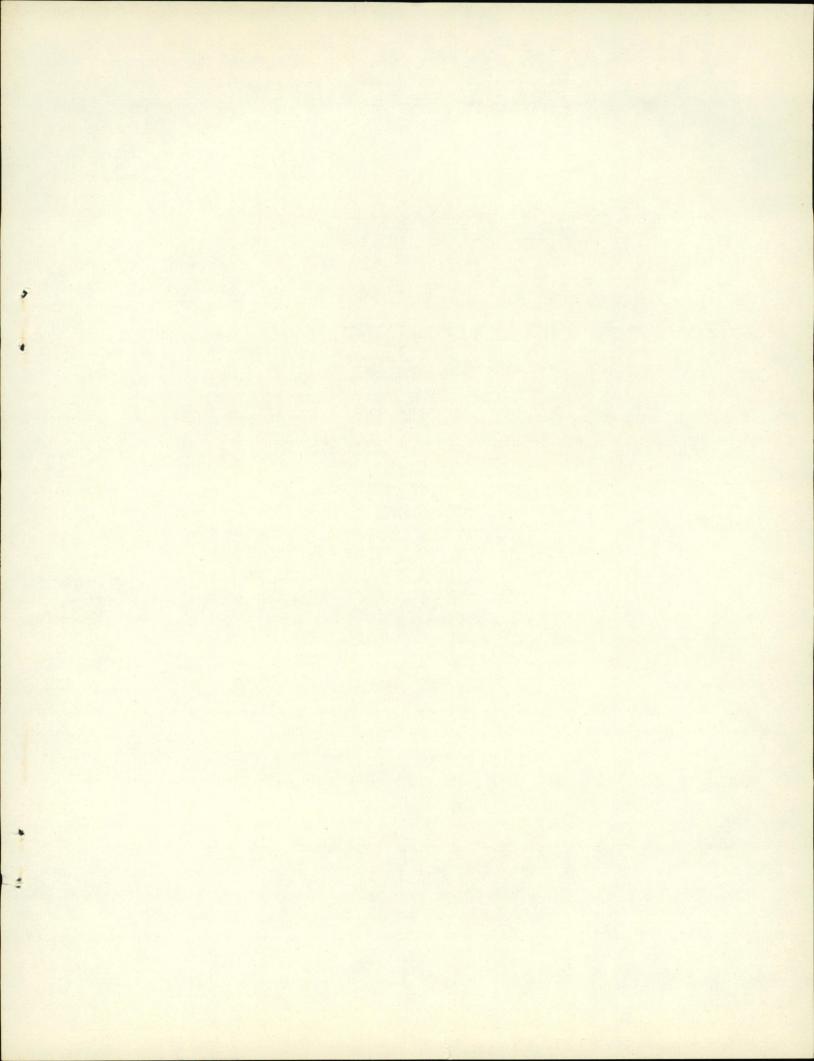
SCHEDULE 6—continued.

AMENDMENTS TO OTHER ACTS—continued.

	Colu	ımn 1.	Column 2.
5	Year and number of Act.	Short title of Act.	Amendment.
10	1970, No. 95	State Pollution Control Commission Act, 1970.	Section 18 (1) (g)— Omit the paragraph, insert instead:— (g) one shall be a representative of the Water Resources Commission nominated by the Minister ad-
15	1973, No. 47	Private Irrigation Districts and	
20	1973, No. 58	Water (Amendment) Act, 1973. Farm Water Storages and	Resources Commission Act, 1976; Section 2 (1), definition of "Commission"—
25	1076 No. 4	Bores Subsidies Act, 1973.	"Commission" means the Water Resources Commission constituted under section 4 of the Water Resources Commission Act, 1976;
30	1976, NO. 4	Statutory and Other Offices Remunera- tion Act, 1975.	Omit— Chief Commissioner (under the Irrigation
35			Commissioner (under the Irrigation Act, 1912), other than the Senior Commissioner. insert instead:— Chief Commissioner (under the Water
40			Resources Commission Act, 1976). Commissioner (under the Water Resources Commission Act, 1976), being a full-time commissioner.

BY AUTHORITY D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES-1976

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WATER RESOURCES COMMISSION BILL, 1976

EXPLANATORY NOTE

THE object of this Bill is the reconstitution of The Water Conservation and Irrigation Commission to form the Water Resources Commission.

The Bill contains the following provisions :---

Clause 1. Short title.

Clause 2. Commencement.

Clause 3. Interpretation.

Clause 4 provides for the appointment of a Chief Commissioner and for his incorporation as a corporation sole under the name of the Water Resources Commission.

Clause 5 provides for the appointment of 2 full-time commissioners and 2 parttime commissioners to assist the Commission in the exercise and performance of its powers, authorities, duties and functions under the proposed Act or under any other Act.

Clause 6 provides for the terms of appointment of the Chief Commissioner and of the commissioners and also gives effect to Schedule 1 which relates to the conditions under which the Chief Commissioner and the commissioners hold office.

Clause 7 exempts the Chief Commissioner, the commissioners and certain others from personal liability for certain official acts or omissions done or omitted in good faith.

Clause 8 requires money received by the Commission to be paid into the Consolidated Revenue Fund except in the circumstances specified in the clause and for the accounts of the Commission to be audited by the Auditor-General.

Clause 9 provides for the appointment and employment of persons by the Commission as officers and employees. The clause also provides for conditions of employment of such officers and employees and gives effect to Schedule 2 which relates to retirement of officers of the Commission.

Clause 10 provides for Schedule 3 to have effect with respect to extended leave of the Chief Commissioner, the full-time commissioners and officers of the Commission.

Clause 11 prescribes the general powers, authorities, duties and functions of the Commission.

Clause 12 empowers the Commission to delegate its powers, authorities, duties and functions and to establish standing or special committees or councils.

Clause 13 re-enacts section 17B of the Irrigation Act, 1912, which requires proceedings against the Commission to be commenced within 3 years after the act or omission complained of was committed or made.

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Clause 14 re-enacts section 17c of the Irrigation Act, 1912, which prevents proceedings from being commenced against the Commission unless 1 month's notice has been given to the Commission.

Clause 15 re-enacts section 17D of the Irrigation Act, 1912, which section relates to tender of amends.

Clause 16 empowers the Commission, with the approval of the Governor, to make regulations.

Clause 17 gives effect to Schedule 4 which contains savings and transitional provisions.

Clause 18 gives effect to Schedule 5 which amends the Irrigation Act, 1912. By the amendments the provisions relating to The Water Conservation and Irrigation Commission are omitted from that Act. Other amendments of a consequential nature and by way of statute law revision are also included in the Schedule.

Clause 19 makes consequential amendments to Acts other than the Irrigation Act, 1912.

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No. , 1976.

A BILL

To reconstitute The Water Conservation and Irrigation Commission as the Water Resources Commission; to confer and impose certain powers, authorities, duties and functions on the Water Resources Commission with respect to the control, management and development of water resources of New South Wales and certain other matters; and to make consequential and other amendments to the Irrigation Act, 1912, and to certain other Acts.

[MR COWAN-17 March, 1976.]

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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 5 follows:—

1. This Act may be cited as the "Water Resources Short title. Commission Act, 1976".

2. (1) This section and section 1 shall commence on the Commencedate of assent to this Act.

10 (2) Except as provided in subsection (1), the several provisions of this Act shall commence on such day or days as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

3. (1) In this Act, except so far as the context or subject- Interpre-15 matter otherwise indicates or requires—

> "Chief Commissioner" means the person appointed under this Act as the Chief Commissioner;

> "Commission" means the Water Resources Commission constituted under this Act;

20 "commissioner" means a person appointed under this Act as a commissioner, but does not include the Chief Commissioner;

> "full-time commissioner" means a commissioner appointed under section 5 (1) (a);

25 "part-time commissioner" means a commissioner appointed under section 5 (1) (b);

> "public authority" means any government department, any statutory body representing the Crown, any city, municipal or shire council or county council, or any other body declared under subsection (2) (a) to be a public authority for the purposes of this Act;

> > "statutory

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"statutory body" means a body declared under subsection (2) (b) to be a statutory body for the purposes of this Act;

"sub-surface water" means water occurring naturally under the surface of the ground whatever may be the geological structure in which it is standing or moving.

(2) The Minister may, by order published in the Gazette—

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 (a) declare any body constituted by or under statute to be a public authority for the purposes of this Act; and

- (b) declare any body constituted by or under statute to be a statutory body for the purposes of this Act.
- 15 4. (1) The Governor may, subject to this Act, appoint a Constitution Chief Commissioner who is hereby incorporated as a corpora- of Water tion sole under the corporate name of "Water Resources Commission. Commission".
 - (2) The Commission—
- 20 (a) has perpetual succession;
 - (b) shall have an official seal;
 - (c) may take proceedings, and be proceeded against, in its corporate name;
 - (d) may, subject to this Act, purchase, exchange, take on lease, hold, dispose of by way of lease or sale, and otherwise deal with property;
 - (e) may do and suffer all other things that corporations may, by law, do and suffer and that are necessary for or incidental to the purposes for which it is constituted;

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(f) shall, in the exercise and performance of its powers, authorities, duties and functions under this or any other Act, be subject to the control and direction of the Minister; and (g) is, for the purposes of any Act, a statutory body 5 representing the Crown. (3) The seal of the Commission shall be kept by the Chief Commissioner and shall not be affixed to any instrument or writing except in the presence of the Chief Commissioner 10 or a commissioner or of some other person who is authorised by the Chief Commissioner to affix the seal to the instrument or writing, and the Chief Commissioner or commissioner, or the person so authorised, shall attest by his signature the fact and date of the seal being so affixed. (4) All courts and persons acting judicially-15

- (a) shall take judicial notice of the seal of the Commission that has been affixed to an instrument or writing: and
- (b) shall, until the contrary is proved, presume that the seal was properly affixed.
- 20
- 5. The Governor may, subject to this Act, appoint-
 - (a) 2 full-time commissioners; and
 - (b) 2 part-time commissioners,

to assist the Commission in the exercise and performance of 25 its powers, authorities, duties and functions under this or any other Act.

(1) The Chief Commissioner and a full-time com- Terms of 6. missioner shall be appointed on the nomination of the Minister appointment of and shall, subject to this Act, respectively be appointed for Chief 30 terms, not exceeding 7 years, specified in the instruments of their appointment.

Commis-sioner and commissioners.

(2)

Appointment of

commissioners.

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(2) A part-time commissioner shall, subject to this Act, be appointed for a term, not exceeding 3 years, specified in the instrument of his appointment.

- (3) The Public Service Act, 1902, does not apply to5 or in respect of the appointment of the Chief Commissioner or a commissioner, and the Chief Commissioner and commissioners are not subject to that Act during their terms of office in their respective capacities as Chief Commissioner and commissioner.
- 10 (4) A person is not eligible for appointment or reappointment as Chief Commissioner or as a commissioner if he is a person—

(a) who is a bankrupt or who is applying to take the benefit of any law for the relief of bankrupt or insolvent debtors, or whose debts are subject to a composition with his creditors or whose remuneration or allowances would, on his appointment, be subject to an assignment for their benefit;

(b) who is a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act;

(c) who has been convicted of a crime or an offence, whether in New South Wales or elsewhere, and is serving a sentence of imprisonment in respect of that crime or offence; or

- (d) who has-
 - (i) in the case of the Chief Commissioner or a full-time commissioner, attained the age age of 65 years; or

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(ii) in the case of a part-time commissioner, attained the age of 70 years.

(5) Schedule 1 has effect with respect to the Chief Commissioner and the commissioners.

- 5 7. (1) No matter or thing done or omitted, and no Liability contract entered into, by the Commission, and no matter or for acts, of thing done or omitted by the Chief Commissioner or a com- Commismissioner acting in his official capacity or by any other sion. person acting under the direction or as a delegate of the
- 10 Commission, shall, if the matter or thing was done or omitted, or the contract was entered into, in good faith for the purposes of this Act or any other Act conferring or imposing powers, authorities, duties or functions on the Commission, render the Chief Commissioner, commissioner or person so
- 15 acting personally liable to any action, liability, claim or demand.

(2) Nothing in subsection (1) exempts the Chief Commissioner or a commissioner, or any person acting under the direction or as a delegate of the Commission, from liability

20 to be surcharged with the amount of any payment which is disallowed by the Auditor-General and which the Chief Commissioner or that commissioner or person, as the case may be, authorised or joined in authorising.

8. (1) Except where otherwise expressly provided by or Disposal
25 under this or any other Act or unless the Treasurer has by of money by the instrument in writing directed or authorised money payable Commission. to the Commission from a source specified or described in the instrument to be disposed of in some other manner, all money paid or payable to the Commission under this or any
30 other Act shall be collected and received by the Commission

on account of, and shall be paid into, the Consolidated Revenue Fund.

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(2) The accounts of the Commission shall be audited by the Auditor-General who shall, in respect thereof, have all the powers conferred on the Auditor-General by any law for the time being in force relating to the audit of public 5 accounts, and the Audit Act, 1902, shall apply to the Commission, the Chief Commissioner, the commissioners and the officers and employees of the Commission in the same manner as it applies to accounting officers of public departments.

9. (1) The Commission may appoint and employ such Appointment 10 officers and employees as are necessary to enable it to exercise of officers and and perform its powers, authorities, duties and functions under employees this or any other Act.

(2) Every officer and employee of the Commission shall, subject to the terms of his appointment, continue in 15 the service of the Commission at the will of the Commission only.

(3) All officers and employees of the Commission shall be subject to the sole control and governance of the Commission which may, where their remuneration or condi-20 tions of employment are not fixed in accordance with the provisions of any other Act or law, fix the salary or wages payable to those officers and employees and the conditions of their employment.

(4) Regulations may be made under section 16 for or 25 with respect to the conditions of employment of persons in the service of the Commission.

(5) The regulations made for the purposes of subsection (4)-

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(a) shall have effect subject to any award by which the Commission is bound made by a court of competent jurisdiction and to any industrial agreement to which the Commission is a party; and

(b) shall have effect notwithstanding subsection (3).

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(6) An officer or employee of the Commission shall not, in respect of the same period of service, be entitled to claim a benefit under this Act and under another Act.

(7) Schedule 2 has effect with respect to the retire-5 ment of officers of the Commission.

10. Schedule 3 has effect with respect to the entitlement Extended to extended leave of the Chief Commissioner, the full-time leave. commissioners and the officers of the Commission.

11. (1) The Commission shall have and may exercise Powers,
 10 and perform the powers, authorities, duties and functions authorities, duties and conferred or imposed on it by or under this or any other Act, functions and, in particular, shall have and may exercise and perform of Commission. the following powers, authorities, duties and functions :--

(a) the making of provision for-

(i) the systematic gauging and recording of the volume and flow of rivers and streams, and of the volume of lakes and lagoons, within New South Wales and of the effect of climatic conditions on those volumes; and

- (ii) the gathering and recording of such data concerning the sub-surface water resources of New South Wales as the Commission considers to be practicable;
- (b) the collection, collating and interpretation of data concerning the quantity and quality of water resources in lakes, rivers, streams and lagoons and of sub-surface water resources;
- (c) the evaluation of present and future requirements for water in New South Wales;

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	Water Resources Commission.
	(d) the maintenance of a central repository of relevant data on water resources and on the use of those resources;
5	(e) the carrying out of research for the purpose of improving the quality of water supplies;
	(f) the carrying out of works to provide for the more extensive use of water resources;
10	(g) the investigation, evaluation, implementation and co-ordination of proposals for flood control and flood mitigation;
	(h) the development and management of river catch- ment areas as sources of water supplies and the co-ordination of—
15	(i) development schemes for river catchment areas; and
	(ii) the management of river catchment areas;
	(i) the planning of the development of water resources in New South Wales;
20	 (j) the co-ordination of activities of public authorities with respect to water resources and the review of all proposals and projects of any public authority for the development of water resources;
25	(k) the co-ordination and advancement of water policies with Commonwealth and interstate
25	authorities;

(1) the formulation, co-ordination and implementation of plans for the assessment, conservation, protection, replenishment, utilisation and distribution of the surface and sub-surface water resources of New South Wales;

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- (m) the formulation, co-ordination and implementation of plans for flood control works and the ascertaining of the nature and extent of land likely to be affected by those plans if implemented;
- (n) the carrying out of consultations, and the making of arrangements, with any public authority for the performance or undertaking by that authority of anything within that authority's powers which will affect the quantity or quality of the water resources of New South Wales or the management of those resources for the benefit of the public;
- (o) the carrying out of, or the commissioning of the carrying out of, and the co-ordination of, research into any matter relating to water resources;
- (p) the compilation and publication of information on any matter relating to water resources; and
 - (q) the carrying out of such surveys, investigations, boring, drilling and exploration as it considers necessary or desirable to enable it effectively to carry out its powers, authorities, duties and functions under this or any other Act and, in particular, the carrying out of such surveys, investigations, boring, drilling and exploration as it considers necessary or desirable—
 - (i) to ascertain potential sites for works of water storage and water supply and the practicability and cost of constructing those works;
 - (ii) to ascertain the nature and extent of land capable of being supplied with water from any existing or proposed works of water storage or water supply and the means by which that land may be supplied with that water;
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- (iii) to ascertain the need and potential sites for flood control and flood mitigation works and the practicability and cost of constructing those works;
- (iv) to ascertain the nature and extent of land capable of being protected or partially protected by flood control or flood mitigation works from flooding or inundation;
- (v) to ascertain the existence and location of sub-surface waters and their nature and quality; and
- (vi) to enable the formation, co-ordination and implementation of plans for the assessment, conservation, protection, replenishment, utilisation and distribution of the surface and sub-surface water resources of New South Wales for the benefit of the public.

(2) The Commission may, in the exercise or performance of its powers, authorities, duties and functions under
20 this or any other Act, by its officers, employees or agents enter on any land and do all such things as are required—

(a) for the purpose of—

 (i) making and carrying out such inspections, tests, investigations, surveys, experiments, boring, drilling and exploration as are necessary for the full and effective exercise or performance of its powers, authorities, duties and functions under this or any other Act;

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- (ii) constructing, maintaining, operating or altering any works that it is empowered to construct or operate under this or any other Act; or
- (iii) implementing any proposals or plans referred to in subsection (1); or
- (b) for any other purpose connected with or related to or incidental to the exercise or performance of its powers, authorities, duties and functions under this or any other Act,

notwithstanding that an easement or right to enter the land may not have been granted or acquired.

(3) In the exercise of a power conferred by subsection (2) the Commission shall ensure that no more damage15 than is necessary in the circumstances is inflicted and shall fully compensate any person who sustains damage in the course of the exercise of that power.

(4) A power conferred by subsection (2) is in addition to any other power relating to entry on to land20 conferred by or under this or any other Act.

(5) For the purpose of enabling the Commission to exercise or perform the powers, authorities, duties and functions conferred or imposed on the Commission by or under this or any other Act, a public authority shall, on
25 receiving from the Commission a request in writing in that behalf and as far as is practicable having regard to all the circumstances of the matter, carry out such work, render such assistance or provide such information as may be specified in the request and as the authority is empowered by law to carry 30 out, render or provide.

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12. (1) The Commission may establish standing or Appointment special committees or councils for the purposes of assisting or of committees, advising the Commission in the exercise or performance of its etc., and powers, authorities, duties and functions under this or any delegations.

5 other Act and may appoint as a member of any such committee or council any person who, in its opinion, appears to be qualified to be a member of that committee or council.

(2) The Commission shall appoint one of the members of a committee or council established under subsection
10 (1) to be chairman of the committee or council and any such committee or council may, subject to any directions of the Commission, regulate its procedure in such manner as it thinks fit.

(3) The Commission may, by instrument in writing,
15 delegate to any committee or council established under subsection (1), or to a commissioner or to any officer of the Commission, the exercise or performance of such of its powers (other than this power of delegation), authorities, duties and functions as may be specified in the instrument of delegation
20 and may, by a similar instrument, revoke any such delegation either wholly or in part.

(4) A delegation under subsection (3) may be made subject to such conditions or such limitations as to the exercise or performance of any of the powers, authorities, duties or 25 functions that have been delegated, or as to time or circumstance, as may be specified in the instrument of delegation.

(5) A power, authority, duty or function, the exercise or performance of which has been delegated under30 subsection (3) may, while the delegation remains unrevoked, be exercised or performed by the delegate from time to time in accordance with the terms of the delegation.

(6)

(6) Notwithstanding the making of any delegation under subsection (3), the Commission may continue to exercise or perform all or any of the powers, authorities, duties or functions that have been delegated.

- 5 (7) Any act, omission or thing done, omitted or undergone by a delegate while acting pursuant to a delegation made under subsection (3) shall have the same force and effect as if the act, omission or thing had been done, omitted or undergone by the Commission.
- 10 13. All proceedings against the Commission for anything Limitation done or omitted or purporting to have been done or omitted of proceedings. under this Act or under any other Act (whether passed before or after the commencement of this section) which confers or 15 11 imposes any power, authority, duty or function on the Com-
- 15 mission, or in the exercise or performance of any power, authority, duty or function conferred or imposed by any such Act, shall be commenced within 3 years after the act or omission complained of was committed or made.

14. (1) No proceedings shall be commenced against the Notice 20 Commission or any person for anything done or omitted or of purporting to have been done or omitted under this Act or under any other Act (whether passed before or after the commencement of this section) which confers or imposes any power, authority, duty or function on the Commission, or 25 in the exercise or performance of any power, authority, duty

or function conferred or imposed by any such Act, until 1 month at least after a notice in writing of the intended proceedings has been delivered to or left at the office of the Commission or person by the party intending to commence 30 those proceedings, or by his attorney or agent.

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(2) The notice shall clearly and explicitly state the cause of action and the court in which the proceedings are intended to be brought, and on the back of the notice there shall be endorsed the name and place of residence of the party5 intending to commence the proceedings and, if the notice was served by an attorney or agent, the name and place of residence of business of that attorney or agent.

(3) A notice under this section shall not be deemed invalid by reason of any defect or inaccuracy therein unless10 the court before which the proceedings are tried is of opinion that the defendant in the action has been prejudiced in his defence by the defect or inaccuracy.

15. (1) If any irregularity, trespass, or other wrongful Tender of proceeding has been committed in the execution of this Act amends.
15 or of any other Act (whether passed before or after the commencement of this section) which confers or imposes any power, authority, duty or function on the Commission or in the exercise or performance of any power, authority, duty or function conferred or imposed by any such Act, and if, before
20 proceedings are brought in respect thereof, tender of sufficient amends is made to the person injured, that person shall not

recover in any such proceedings.

(2) If no such tender has been made, the defendant may, by leave of the court in which the proceedings are pend-25 ing at any time before issue is joined, pay into court such sum of money as the defendant thinks fit, and thereupon such proceedings shall be had as in other cases where defendants are allowed to pay money into court.

16. (1) The Commission may, with the approval of the Regulations.30 Governor, make regulations for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying

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out or giving effect to this Act and, in particular, for or with respect to the control and regulation of officers and employees of the Commission.

(2) Regulations may be made so as to apply5 differently according to such factors as may be specified in the regulations.

17. Schedule 4 has effect.

Savings and transitional provisions.

18. The Irrigation Act, 1912, is amended in the manner Amendment of Irrigation Act, 1912.

10 19. Each Act specified in Column 1 of Schedule 6 is Amendments amended in the manner specified opposite that Act in Column to other Acts.
 2 of Schedule 6.

SCHEDULE 1.

Sec. 6.

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PROVISIONS RELATING TO THE CHIEF COMMISSIONER AND COMMISSIONERS.

1. (1) The Chief Commissioner and a full-time commissioner shall provisions respectively devote the whole of their time to the duties of their office relating to the Chief Commis-

- (a) remuneration in accordance with the Statutory and Other sioner and to commisoffices Remuneration Act, 1975; and
- (b) such travelling and subsistence allowances as the Minister generally. may from time to time determine in respect of each of them.

(2) A part-time commissioner shall be paid such remuneration (including travelling and subsistence allowances) as the Minister may25 from time to time determine in respect of him.

(3) The Chief Commissioner and a commissioner or a person who has been Chief Commissioner or a commissioner shall, if otherwise qualified, be eligible for re-appointment as the Chief Commissioner or as a commissioner, as the case may be.

SCHEDULE

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SCHEDULE 1-continued.

PROVISIONS RELATING TO THE CHIEF COMMISSIONER AND COMMISSIONERS—continued.

(4) Any such re-appointment shall be-

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- (a) in the case of a re-appointment as Chief Commissioner or as a full-time commissioner, for such term not exceeding 7 years; and
 - (b) in the case of a re-appointment as a part-time commissioner, for such term not exceeding 3 years,

10 as may be specified in the instrument of his re-appointment.

(5) On the occurrence of a vacancy in the office of Chief Commissioner or of a commissioner otherwise than by the expiration of the term for which he was appointed, the Governor may appoint a person to hold office as Chief Commissioner or as a commissioner for 15 the balance of his predecessor's term of office.

(6) A person appointed under subclause (5) shall be appointed on the nomination of the Minister.

2. (1) The Minister may appoint a person, other than a commis- Appointsioner, to act in the office of a full-time commissioner or of a part-time ment of sub-20 commissioner while that commissioner is absent from his office stitutes to through illness or other cause or is acting as Chief Commissioner, and act during absence of the person so appointed shall, while so acting, be deemed to be a Chief Comfull-time commissioner or a part-time commissioner, as the case may missioner be, and have the immunities, powers, authorities, duties and functions and com-25 of the commissioner in whose office he is acting.

missioners.

(2) The Minister may appoint a full-time commissioner to act in the office of the Chief Commissioner while the Chief Commissioner is absent from his office through illness or other cause, and the commissioner so appointed shall, while so acting, be deemed to be the 30 Chief Commissioner and have the immunities, powers, authorities, duties and functions of the Chief Commissioner.

(3) The Minister may, for any cause which to him seems sufficient, remove from office any person appointed under subclause (1) or (2).

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SCHEDULE

SCHEDULE 1—continued.

PROVISIONS RELATING TO THE CHIEF COMMISSIONER AND COMMISSIONERS—continued.

(4) No person shall be concerned to inquire whether or not 5 any occasion has arisen requiring or authorising a person to act in the office of a commissioner or requiring or authorising a commissioner to act in the office of the Chief Commissioner, and all acts or things done or omitted by the person or commissioner while so acting shall be as valid and effectual, and shall have the same consequences, as

10 if they had been done or omitted by the commissioner in whose office the person was appointed to act or by the Chief Commissioner, as the case may be.

3. (1) The Chief Commissioner or a commissioner shall be Casual deemed to have vacated his office—

- 15 (a) if he dies;
 - (b) if, being the Chief Commissioner or a full-time commissioner, he engages without the approval of the Governor in any paid employment outside the duties of his office;
 - (c) if, being the Chief Commissioner or a full-time commissioner, he absents himself from duty for a period exceeding 14 consecutive days except—
 - (i) on leave granted by the Minister (which leave the Minister is hereby authorised to grant);
 - (ii) through illness or other unavoidable cause; or
 - (iii) pursuant to a right preserved by clause 4;
 - (d) if he becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration or allowances as Chief Commissioner or as a commissioner, or of his estate, for their benefit;
 - (e) if he becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act;
 - (f) if he is convicted in New South Wales of a crime or an offence punishable by imprisonment for 12 months or more, or if he is convicted elsewhere than in New South Wales of a crime or an offence which, if committed in New South Wales, would be a crime or an offence so punishable;

SCHEDULE

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SCHEDULE 1-continued.

PROVISIONS RELATING TO THE CHIEF COMMISSIONER AND COMMISSIONERS—continued.

(g) if he resigns his office by writing under his hand addressed to the Governor and the Governor accepts the resignation; or

(h) if he is removed from office by the Governor for misbehaviour or incompetence under subclause (4).

(2) The Chief Commissioner or a full-time commissioner shall be deemed to have vacated his office on the day on which he attains 10 the age of 65 years.

(3) A part-time commissioner shall be deemed to have vacated his office on the day on which he attains the age of 70 years.

(4) The Governor may remove the Chief Commissioner or a commissioner from office on the grounds of misbehaviour or 15 incompetence.

4. (1) In this clause, "superannuation scheme" means a scheme, Preservation fund or arrangement under which any superannuation or retirement of certain benefits are provided and which is established by or under any Act. Tights of Chief Com-

missioner and com-

(2) Subject to subclause (3) and to the terms of his appoint-missioners.
 20 ment, where the Chief Commissioner or a full-time commissioner, immediately before his appointment as such, was—

- (a) an officer of the Public Service;
- (b) a contributor to a superannuation scheme;
- (c) an officer employed by a statutory body; or
- (d) a person in respect of whom provision was made by any Act that he retain any rights accrued or accruing to him as an officer or employee,

he—

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(e) shall retain any rights and privileges accrued to him as such an officer, contributor or person;

SCHEDULE

SCHEDULE 1—continued.

PROVISIONS RELATING TO THE CHIEF COMMISSIONER AND COMMISSIONERS—continued.

- (f) may continue to contribute to any superannuation scheme to which he was a contributor immediately before his appointment as Chief Commissioner or as a commissioner; and
 - (g) shall be entitled to receive any deferred or extended leave and any payment, pension or gratuity,
- 10 as if he had continued to be such an officer, contributor or person during his service as Chief Commissioner or as a commissioner, as the case may be, and—

(h) his service as Chief Commissioner or as a commissioner shall be deemed to be service as an officer or employee for the purposes of any law under which those rights accrued or were accruing, under which he continues to contribute or by which that entitlement is conferred; and

(i) he shall be deemed to be an officer or employee and the Commission shall be deemed to be his employer for the purpose of the superannuation scheme to which he is entitled to contribute under this subclause.

- (3) Where the Chief Commissioner or a commissioner-
- (a) would, but for this subclause, be entitled under subclause
 (2) to contribute to a superannuation scheme, or to receive any payment, pension or gratuity under a superannuation scheme; and
- (b) becomes a contributor to another superannuation scheme (whether on his appointment as Chief Commissioner or as a commissioner or at any later time while he holds office as such),

he ceases to be so entitled and subclause (2) (i) ceases to apply to or in respect of him.

(4) Subclause (3) does not prevent the payment to the Chief Commissioner or to a commissioner, on his ceasing to be a contributor35 to a superannuation scheme, of such amount as would have been payable to him if he had ceased, by reason of resignation, to be an officer or employee for the purposes of that scheme.

SCHEDULE

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SCHEDULE 1-continued.

PROVISIONS RELATING TO THE CHIEF COMMISSIONER AND COMMISSIONERS—continued.

(5) Neither the Chief Commissioner nor a commissioner shall,5 in respect of the same period of service, be entitled to claim a benefit under this Act and another Act.

5. (1) In this clause—

"officer or employee of a prescribed authority" does not include sioner and the Chief Commissioner, a commissioner or a member of commisany other statutory body;

"prescribed authority" means the Commission and any other re-appointstatutory body;

"retiring age" means-

- (a) in relation to a person who was, immediately before his appointment as Chief Commissioner or as a fulltime commissioner, an officer of the Public Service the age of 60 years; and
- (b) in relation to a person who was, immediately before his appointment as Chief Commissioner or as a fulltime commissioner, an officer or employee of a prescribed authority—the age at which officers or employees (being officers or employees of the class to which that person belonged immediately before his appointment as Chief Commissioner or as a commissioner) of that prescribed authority are entitled to retire.

(2) Where the Chief Commissioner ceases to hold office as such, otherwise than pursuant to clause 3 (1) (paragraph (g) excepted), and—

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- (a) was, immediately before his appointment as Chief Commissioner; or
- (b) in the case of a Chief Commissioner who, before his appointment as such, held office as a full-time commissioner, was, immediately before his appointment as a full-time commissioner,

an officer of the Public Service or an officer or employee of a prescribed authority, he shall, if he has not attained the retiring age, be entitled to be appointed to some office in the Public Service or, as

SCHEDULE

Chief Commissioner and commissioners entitled to re-appointment in former employment in certain cases.

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SCHEDULE 1-continued.

PROVISIONS RELATING TO THE CHIEF COMMISSIONER AND COMMISSIONERS—continued.

5 the case may be, to some office in the service of that prescribed authority, not lower in classification and salary than that which he held, where paragraph (a) applies, immediately before his appointment as Chief Commissioner or, where paragraph (b) applies, immediately before his appointment as a full-time commissioner.

(3) Where a full-time commissioner ceases to be a commis-10 sioner, otherwise than pursuant to clause 3 (1) (paragraph (g) excepted), and was, immediately before his appointment as a commissioner, an officer of the Public Service or an officer or employee of a prescribed authority, he shall, if he has not attained the retiring age, be entitled to be appointed to some office in the Public Service

15 or, as the case may be, to some office in the service of that prescribed authority, not lower in classification and salary than that which he held immediately before his appointment as a commissioner.

SCHEDULE 2.

RETIREMENT OF OFFICERS.

20 1. (1) Every officer of the Commission shall, subject to the Super-Officers annuation Act, 1916, be entitled if he desires so to do, having attained the age of 60 years, to retire from the service of the Commission.

(2) Any such officer may, unless called upon to retire as entitled or may provided in subclause (3) and subject to the Superannuation Act, be called 25 1916, continue in the service of the Commission until he attains the upon to age of 65 years.

(3) If any such officer continues in the service of the Commission after he has attained the age of 60 years, he may, at any time before he attains the age of 65 years, be called upon by the Com-30 mission to retire, and every such officer so called upon to retire shall

retire accordingly.

(1) Every officer of the Commission shall, immediately on attain-Officers ing the age of 65 years, retire from the service of the Commission, on attaining unless, notwithstanding his age, he continues in the service of the ⁶⁵ years of age to 35 Commission as provided in subclause (2).

service of the ⁶⁵ years of age to retire unless called on to continue.

and 65 years of age entitled

Sec. 9.

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SCHEDULE 2-continued.

RETIREMENT OF OFFICERS—continued.

(2) Where any officer of the Commission has attained the age of 65 years and is willing to continue in the service of the Commission, 5 the Commission may, from time to time, continue to employ that officer for such fixed period not exceeding 12 months as the Commission in each case determines.

SCHEDULE 3.

EXTENDED LEAVE.

10 1. (1) Subject to this clause, the Chief Commissioner, a full-time absence commissioner or an officer of the Commission shall be entitled of service.

- (a) after 10 years' service, to leave for 2 months on full pay or 4 months on half pay; and
- (b) after service in excess of 10 years, to-

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- (i) leave pursuant to paragraph (a); and
- (ii) in addition, an amount of leave proportionate to his length of service after 10 years, calculated on the basis of 5 months on full pay, or 10 months on half pay, for 10 years served after service for 10 years.
- 20 (2) For the purpose of calculating the entitlement of a person to extended leave under this clause at any time—
 - (a) "service" includes service with The Water Conservation and Irrigation Commission, as a Chief Commissioner, a Commissioner or an officer;
- (b) there shall be deducted from the amount of extended leave to which, but for this paragraph, that person would be entitled—
 - (i) any extended leave, or leave in the nature of extended leave; and
 - (ii) the equivalent, in extended leave, of any benefit instead of extended leave or leave in the nature of extended leave,

SCHEDULE

Sec. 10.

SCHEDULE 3-continued.

EXTENDED LEAVE—continued.

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taken or received by that person before that time, including any such leave taken, or benefit received, by that person pursuant to a repealed provision of the Irrigation Act, 1912; and

(c) the provisions of the Transferred Officers Extended Leave Act, 1961, shall have effect,

but nothing in this subclause shall be construed as authorising, in **10** respect of the same period of leave taken or the same benefit received, a deduction under both paragraph (b) and section 3 (7) of the Transferred Officers Extended Leave Act, 1961.

(3) Where-

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- (a) a Chief Commissioner or a full-time commissioner vacates his office under clause 3 (1) (e) of Schedule 1 or under clause 3 (1) (g) of that Schedule on account of illness, incapacity or domestic or other pressing necessity; or
- (b) the services of an officer of the Commission are terminated by the Commission for any reason other than the officer's serious and wilful misconduct or by the officer on account of illness, incapacity or domestic or other pressing necessity.

and that Chief Commissioner, commissioner or officer has had at least 5 years' service as an adult and less than 10 years' service, he shall be entitled for 5 years' service to 1 month's leave on full pay and

25 for service after 5 years to a proportionate amount of leave on full pay calculated on the basis of 3 months' leave for 15 years' service (that service to include service as an adult and otherwise than as an adult).

(4) For the purposes of subclause (3), "service as an adult"-

(a) in the case of an officer of the Commission employed to do 30 any work for which the remuneration has been fixed by an award made under the Commonwealth Conciliation and Arbitration Act 1904, as subsequently amended, or made under the Industrial Arbitration Act, 1940, or has been fixed by an industrial agreement made pursuant to or registered under either of those Acts-means the period of service during which the remuneration applicable to the officer was at a rate not lower than the lowest rate fixed under the award or industrial agreement for an adult male or adult female in the same trade, classification or calling as the officer; or

SCHEDULE

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SCHEDULE 3-continued.

EXTENDED LEAVE—continued.

(b) in the case of a Chief Commissioner or a full-time commissioner, or of an officer of the Commission employed to do any work for which the remuneration has not been fixed by an award or industrial agreement referred to in paragraph (a)—means the period of service during which that Chief Commissioner, commissioner or officer was not less than 21 years of age.

10 (5) For the purposes of subclause (1), "service" includes—

- (a) any period of leave without pay taken before the commencement of the Public Service and Other Statutory Bodies (Extended Leave) Amendment Act, 1963, while holding appointment as a commissioner or an officer of The Water Conservation and Irrigation Commission; and
- (b) in the case of a Chief Commissioner or a full-time commissioner, or an officer of the Commission, who has completed at least 10 years' service (any period of leave without pay taken before that commencement being included therein, and any period of leave without pay taken after that commencement being excluded therefrom)—any period of leave without pay, not exceeding 6 months, taken after that commencement.
- (6) For the purposes of subclause (3), "service" does not25 include any period of leave without pay whether taken before or afterthe commencement of the Public Service and Other Statutory Bodies (Extended Leave) Amendment Act, 1963.

(7) Where the Chief Commissioner, a full-time commissioner or an officer appointed to the service of the Commission was, imme-30 diately before that appointment, an officer of the Public Service or an officer in the employment of the Rural Bank of New South Wales or of any statutory body representing the Crown, his service as an officer of the Public Service or in the employment of that Bank or statutory body shall be deemed to be service with the Commission for the 35 purposes of this clause, but no person shall be entitled to claim benefits when this plane applied to be service or shall be entitled to claim benefits

under this clause as well as under any other provision of this Act or under any other Act in respect of the same period of service.

2. (1) Where a Chief Commissioner or a full-time commissioner or Payment an officer of the Commission has acquired a right under clause 1 (1) of money 40 to extended leave with pay and dies before commencing it or after leave not commencing it dies before its termination—

SCHEDULE completed.

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SCHEDULE 3-continued.

EXTENDED LEAVE—continued.

- (a) the widow or widower of that Chief Commissioner, commissioner or officer; or
- (b) if there is no such widow or widower, the children of that Chief Commissioner, commissioner or officer; or
 - (c) if there is no such widow, widower or children, the person who, in the opinion of the Commission, was, at the time of the death of that Chief Commissioner, commissioner or officer, a dependent relative of that Chief Commissioner, commissioner or officer,

shall be entitled to receive the money value of the leave not taken, or not completed, computed at the rate of remuneration that that Chief Commissioner, commissioner or officer received at the time of

15 his or her death less any amount paid to that Chief Commissioner, commissioner or officer in respect of the leave not taken, or not completed.

(2) Where a Chief Commissioner or a full-time commissioner, or an officer of the Commission, with at least 5 years' service as an 20 adult and less than 10 years' service as referred to in clause 1 (3) dies—

- (a) the widow or widower of that Chief Commissioner, commissioner or officer; or
- (b) if there is no such widow or widower, the children of that Chief Commissioner, commissioner or officer; or
- (c) if there is no such widow, widower or children, the person who, in the opinion of the Commission, was, at the time of the death of that Chief Commissioner, commissioner or officer, a dependent relative of that Chief Commissioner, commissioner or officer,

shall be entitled to receive the money value of the leave which would have accrued to that Chief Commissioner, commissioner or officer had he vacated office or, as the case may be, had his services terminated as referred to in clause 1 (3), computed at the rate of 35 remuneration that that Chief Commissioner, commissioner or officer

received at the time of his death.

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(3) Where there is a guardian of any children entitled under subclause (1) or (2), the payment to which those children are entitled may be made to that guardian for their maintenance, education and 40 advancement.

SCHEDULE

SCHEDULE 3—continued.

EXTENDED LEAVE—continued.

(4) Where there is no person entitled under subclause (1) or
(2) to receive the money value of any leave not taken or not com5 pleted by a Chief Commissioner or a full-time commissioner or by an officer of the Commission or which would have accrued to a Chief Commissioner or a full-time commissioner or an officer of the Commission, payment in respect thereof shall be made to the personal representatives of that Chief Commissioner, commissioner or officer,
10 as the case may require.

(5) Any payment under this clause shall be in addition to any payment due under the Superannuation Act, 1916.

(6) Where payment of the money value of leave has been made under this Act, no proceedings may be brought against the Crown15 or the Commission for payment of any amount in respect of that leave.

3. (1) Where a Chief Commissioner or a full-time commissioner Gratuity or an officer of the Commission has acquired a right to extended instead of leave with pay under clause 1 (1) or (3), he shall, on vacating his extended leave.

20 office or, as the case may be, on the termination of his service, be paid forthwith instead of that leave the money value thereof as a gratuity in addition to any gratuity to which he may be otherwise entitled.

(2) Any pension to which that Chief Commissioner, commissioner or officer is entitled under the Superannuation Act, 1916, shall
25 commence from the date on which his extended leave, if taken, would have commenced.

SCHEDULE 4.

Sec. 17.

SAVINGS AND TRANSITIONAL PROVISIONS.

(1) The corporation constituted under section 4 is a continua- The Comtion of, and the same legal entity as, the corporation constituted under mission.
 30 section 4A of the Irrigation Act, 1912, as in force immediately before the commencement of section 18.

SCHEDULE

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SCHEDULE 4-continued.

SAVINGS AND TRANSITIONAL PROVISIONS-continued.

(2) Subject to this Act, a reference in any other Act or in any regulation, by-law or other statutory instrument or in any other 5 document, whether of the same or of a different kind, being a reference to, or a reference to be read or construed as a reference to, or to be deemed or taken to refer to, The Water Conservation and Irrigation Commission shall be construed as a reference to the Water Resources Commission.

- 10 (3) Subject to this Act, any act, matter or thing done or omitted to be done before the commencement of section 18 by, to or in respect of The Water Conservation and Irrigation Commission shall, to the extent that, but for the enactment of this Act, that act, matter or thing would on or after that commencement have had any
- 15 force or effect or been in operation, be deemed to have been done or omitted to be done by, to or in respect of the Water Resources Commission,

(4) No attornment to the Water Resources Commission by a lessee from The Water Conservation and Irrigation Commission shall 20 be required.

2. (1) The person holding office as Chief Commissioner under The Chief section 4 of the Irrigation Act, 1912, as in force immediately before Commisthe commencement of section 18, shall continue in office as if he had sioner been appointed Chief Commissioner under section 4 and he shall, missioners, 25 subject to Schedule 1, hold office for the remainder of the period specified in the instrument of his appointment under section 4 of the Irrigation Act, 1912, as so in force.

(2) The persons holding office as Commissioners under section 4 of the Irrigation Act, 1912, as in force immediately before the 30 commencement of section 18, shall continue in office as if they had been appointed full-time commissioners under section 5 and they shall, subject to Schedule 1, hold office for the remainder of the period specified in the instruments of their appointment under section 4 of the Irrigation Act, 1912, as so in force.

35 3. (1) The employment of all persons who, immediately before Officers and the commencement of section 18, were employed by The Water employees of Conservation and Irrigation Commission as officers or as servants or Commission. workmen shall continue as if those persons had respectively been appointed by the Commission as officers or as employees in accordance 40 with section 9.

SCHEDULE

SCHEDULE 4—continued.

SAVINGS AND TRANSITIONAL PROVISIONS—continued.

(2) Any person referred to in subclause (1) shall-

(a) subject to section 9 (6), retain all rights and privileges, which immediately before the commencement of section 18, were accruing or had accrued to him in his capacity as an officer, servant or workman in the service of The Water Conservation and Irrigation Commission as if those rights and privileges had been conferred on him in his capacity as an officer or, as the case may be, an employee of the Commission;

- (b) until subsequently varied by or in accordance with law, be paid remuneration at a rate not lower than that at which he was paid, and be subject to the same conditions of employment as those to which he was subject, immediately before that commencement; and
- (c) owe the same contractual obligations to the Commission as he owed to The Water Conservation and Irrigation Commission immediately before that commencement.
- 20 4. Any regulations in force under section 26 (1) (r) of the Irriga-Regulations. tion Act, 1912, as in force immediately before the commencement of section 18, shall be deemed to be regulations made under this Act and every reference in those regulations to a servant shall be construed as if it were a reference to an employee of the Commission.

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SCHEDULE 5.

Sec. 18.

AMENDMENTS TO THE IRRIGATION ACT, 1912.

(1) Long title—

Omit "for the appointment of a commissioner and other officers;".

SCHEDULE

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SCHEDULE 5-continued.

AMENDMENTS TO THE IRRIGATION ACT, 1912-continued.

(2) Section 1-

Omit the matter relating to Part II, insert instead :---

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PART II.—IRRIGATION AREAS—ss. 5G-7C.

(3) (a) Section 3, definition of "Chief Commissioner"—

Omit the definition.

(b) Section 3, definition of "Commission"-

Omit the definition of "The Commission", insert instead :---

"Commission" means the Water Resources Commission constituted under section 4 of the Water Resources Commission Act, 1976.

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(c) Section 3, definition of "Commissioner"-

Omit the definition.

(d) Section 3, definition of "Discharged soldier"-

Omit ", as amended by the Returned Soldiers Settlement (Amendment) Act, 1917, and the Returned Soldiers Settlement (Amendment) Act, 1919".

(e) Section 3, definition of "Prescribed"—

Omit the definition.

SCHEDULE

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SCHEDULE 5—continued.

AMENDMENTS TO THE IRRIGATION ACT, 1912-continued.

(4) Sections 4-5F-

Omit the sections and the heading before section 5.

5 (5) (a) Section 5G-

Omit ", as amended by subsequent Acts" wherever occurring.

(b) Section 5G-

Omit ", as so amended" wherever occurring.

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(c) Section 5G (2) (b), (c), (d), (e)—

Omit "said advisory" wherever occurring, insert instead "advisory".

(d) Section 5G (2) (d) (i)-

Omit "the said", insert instead "that".

15 (6) (a) Section 6 (1)—

Omit ", or any Act amending the same".

(b) Section 6 (4)—

Omit ", as amended by subsequent Acts".

SCHEDULE 5-continued.

AMENDMENTS TO THE IRRIGATION ACT, 1912-continued.

(7) (a) Section 6A(1)—

Omit ", and any Acts amending the same".

5 (b) Section 6A(1)—

> Omit "the said" wherever occurring, insert instead "those".

(8) (a) Section 7—

Omit "such Act" wherever occurring, insert instead "that Act".

(b) Section 7 (1) (c)—

Omit "said".

(9) Section 8-

Omit the section, insert instead :---

8. The Commission, in addition to the powers, Powers, authorities, duties and functions conferred or imposed authorities, duties and expressly on it by or under this Act-

functions of Commission under this

(a) shall, subject to this Act and any regulations Act. made under this Act, have control of any irrigation area and any works within or used in connection with any such area; and

SCHEDULE

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SCHEDULE 5—continued.

AMENDMENTS TO THE IRRIGATION ACT, 1912—continued.

- (b) may dispose of land in an irrigation area in accordance with the Crown Lands Consolidation Act, 1913.
- (10) Sections 8A, 8c-

Omit the sections.

(11) (a) Section 9 (1) (g)—

Omit "fit;", insert instead "fit :".

10 (b) Section 9 (1) (h)—

Omit the paragraph.

(c) Section 9 (2), (3)—

Omit ", as amended by subsequent Acts" wherever occurring.

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(d) Section 9 (2) (b), (c)—

Omit "the said Act as so amended" wherever occurring, insert instead "that Act".

(12) Section 11-

Omit the section. 8409 654—c

SCHEDULE

SCHEDULE 5—continued.

AMENDMENTS TO THE IRRIGATION ACT, 1912—continued.

(13) Section 11D (1A)—

Omit "1932-1939", insert instead "1932".

5(14) (a) Section 11G (2)—

Omit "or any Act amending the same".

(b) Section 11G (2)-

Omit "the Irrigation Act, 1912–1946", insert instead "this Act".

10 (15) Section 111-

Omit ", as amended by subsequent Acts" wherever occurring.

(16) Sections 17B, 17C, 17D—

Omit the sections.

15 (17) (a) Section 18 (3)-

Omit "as amended by subsequent Acts".

(b) Section 18 (3)-

Omit "Conservation and Irrigation", insert instead "Resources".

SCHEDULE

SCHEDULE 5—continued.

AMENDMENTS TO THE IRRIGATION ACT, 1912—continued.

(c) Section 18 (3)—

Omit "said" where firstly occurring.

5 (d) Section 18 (3)—

Omit "said" where secondly and thirdly occurring, insert instead "those".

(18) Section 191-

Omit "such section", insert instead "section 19H".

10 (19) (a) Section 20 (1)—

Omit ", or any Act amending the same" wherever occurring.

(b) Section 20 (1)—

Omit "the said", insert instead "those".

15 (c) Section 20 (1)—

Omit ", and the Acts amending it".

(d) Section 20 (2), (3)-

Omit "the said" wherever occurring, insert instead "that".

SCHEDULE

SCHEDULE 5-continued.

AMENDMENTS TO THE IRRIGATION ACT, 1912-continued.

(20) Section 20A-

Omit "Secretary", insert instead "Minister".

5 (21) Section 22-

Omit ", and any Acts amending the same".

(22) (a) Section 22A (2)—

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Omit "the provisions of the next preceding subsection, such", insert instead "subsection (1), the".

(b) Section 22A (3), (5)—

Omit "the said" wherever occurring, insert instead "that".

(23) Section 23A—

15 Omit the section.

(24) (a) Section 25-

Omit "1912-1936", insert instead "1912".

SCHEDULE

SCHEDULE 5—continued.

AMENDMENTS TO THE IRRIGATION ACT, 1912-continued.

(b) Section 25-

Omit "the said", insert instead "those".

5 (25) Section 26 (1) (r)-

Omit the paragraph.

(26) Section 28 (2)-

Omit the subsection, insert instead :---

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(2) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation made under this Act as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.

(27) Section 30-

15 Omit "or police magistrate".

SCHEDULE

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SCHEDULE 6.

Sec. 19.

AMENDMENTS TO OTHER ACTS.

Colu	ımn 1.	Column 2.	
5 Year and number of Act.	Short title of Act.	Amendment.	
54 Vic. No. 7	Wentworth Irrigation Act.	Long title— Omit "to vest certain lands in the Council of the Municipality of Wentworth, to enable the said Council to establish", insert instead "to provide for the	
15		administration of certain land vested in the Water Resources Commission, to enable the Commission to establish and administer". Section 2-	
20		Omit "Municipalities Act of 1867," or the "Country Towns Water and Sewerage Act of 1880," ", insert instead "Local Government Act, 1919,".	
25	n sointao n sointao n beangte n beang	Section 4, definition of "Commission"— After the definition of "Bank", insert:— "Commission" means the Water Re- sources Commission constituted under section 4 of the Water Resources	
30		Commission Act, 1976. Section 4, definition of "Owner"— Omit "The Water Conservation and Irri- gation Commission", insert instead "the Commission".	
35		Section 4, definition of "Prescribed"— Omit the definition, insert instead:— "Prescribed" means prescribed by this Act or by regulations or by-laws under this Act.	
40		Section 4, definition of "The Trust"— Omit the definition. Section 4— Omit the matter relating to Parts II, III and IV, insert instead :— DAPT U	
45		PART II.—Administration. Part II, heading— Omit "Constitution of Trust.", insert instead "Administration.".	

SCHEDULE

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SCHEDULE 6—continued.

AMENDMENTS TO OTHER ACTS—continued.

	Column 1.		andagi .	Column 2.	
5	Year and number of Act.	Short title of Act.		Amendment.	
0	54 Vic., No. 7 —continued.	Wentworth Irrigation Act— continued.	Section 5- Omit the s Adminis- tration of Act.	section, insert instead:— 5. This Act shall be adminis tered by the Commission and shall be read subject to th	
5				provisions of the Irrigation Act 1912, the Water Act, 1912, and the Water Resources Com mission Act, 1976.	
0	ka o filod amin		Sections 6- Omit the Section 10- Omit the	9— sections. section, insert instead:—	
5	510- 96)		Property vested in the Com- mission.	10. (1) The following property shall continue to be vested in the Commission for the purposes of of this Act:	
0	10/ 10/ 10/ 10/ 10/ 10/ 10/ 10/			gation area as is vested in the Commission at the commencement of section 19 of the Water Resources Commission Act, 1976, except such	
5	e lu i		ister Station Million Million	land as the Minister may decide to set apar from time to time for public purposes or as may from time to time	
0	the second		and the second	be resumed or disposed of under this or any other Act;	
				(b) all dams, weirs, flood gates, culverts, aque	
5	bergie fanste			ducts, sluices, flumes pipes, engines, pump ing machinery, reser voirs and other works constructed or erected pursuant to this Act and	

SCHEDULE 6—continued.

AMENDMENTS TO OTHER ACTS—continued.

Colu	mn 1.	Column 2.
Year and number of Act.	Short title of Act.	Amendment.
54 Vic., No. 7 —continued.	Wentworth Irrigation Act— continued.	(c) the water which is at any time in the lake known as Fletcher's Lake, near Wentworth, or other natural source
5		of water within the irrigation area, or in any pipe, reservoir or other work constructed pursuant to this Act.
0		(2) The property referred to in subsection (1) shall be held and administered by the Com- mission, subject to the pro- visions of this Act, but no part
5		of that property shall be sold except with the consent of the Governor. (3) Nothing in this Act shall be construed as in any way
0		interfering with the right, con- ferred before the commencement of section 19 of the Water Resources Commission Act, 1976, by any lease from the
5	olt, called olt, called reserved a sine coult bootstate	Crown, of any person to take or use the water in Fletcher's Lake. Part III, heading— Omit the heading.
0	niter 15A - S 15A - S 15B 10- S 10-	Section 11— Omit "Trust" where firstly occurring, insert instead "Commission". Section 11 (VI)— Omit "by the Trust", insert instead "under
5		this Act by the Commission". Section 11 (VI)— Omit "require the Trust", insert instead "require the Commission". Section 11—
0		Omit "authorize the Trust", insert instead "authorize the Commission". Sections 12-16- Omit the sections.

SCHEDULE

SCHEDULE 6—continued.

AMENDMENTS TO OTHER ACTS—continued.

	Colu	ımn 1.	Column 2.	
5	Year and number of Act.	Short title of Act.	Amendment.	
10	54 Vic. No. 7– continued.	Wentworth Irrigation Act —continued.	to direct the Trust at any time to cease to employ any engineer or surveyor he may think proper at any time and from	
15			time to time.". Section 18— Omit the section. Sections 19, 20, 21, 22— Omit "Trust" wherever occurring, insert	
20			instead "Commission". Section 22A (1)— Omit "Water Conservation and Irrigation Commission (hereinafter in this section referred to as the Commission)", insert	
25			instead "Commission". Sections 23, 24— Omit "Trust" wherever occurring, insert instead "Commission". Section 25—	
0			Omit "Trust" where firstly occurring, insert instead "Commission under this Act". Section 25— Omit "Trust" where secondly, thirdly and fourthly occurring, insert instead	
5			"Commission". Section 26— Omit "Trust", insert instead "Commission". Section 27— Omit "Trust" where firstly, secondly and	
0			thirdly occurring, insert instead "Com- mission". Section 27— Omit "Trust Funds", insert instead "funds	
5			of the Commission". Sections 28, 29, 30— Omit "Trust" wherever occurring, inser- instead "Commission". Section 31 (1)—	
50			Omit "Water Conservation and Irrigation" Section 31 (2) (a)— Omit "said" wherever occurring.	

SCHEDULE 6—continued.

AMENDMENTS TO OTHER ACTS—continued.

	Colu	umn 1.	Column 2.	
5	Year and number of Act.	Short title of Act.	Amendment.	
10	54 Vic. No. 7– continued.	- Wentworth Irrigation Act <i>—continued</i> .	Section 32— Omit the section, insert instead :— By-laws. 32. (1) The Commission may make by-laws, not inconsistent with this Act, for or with respect	
15			to any matter that, by this Act, is required or permitted to be prescribed by by-laws or that is necessary or convenient to be prescribed by by-laws for	
20			carrying out or giving effect to this Act and, in particular, for or with respect to— (a) the administration and maintenance of the	
25		Anni Anni Anni Anni Anni Anni Anni Anni	works constructed pursuant to this Act; (b) the manner of fixing the charges for water supplied and the time	
30			and manner of their payments, and the con- ditions on which the water shall be supplied; and	
35			 (c) the time and manner of payment of the rate fixed by the Com- mission. (2) A by-law made under 	
40			subsection (1) may impose a penalty for any contravention of, or failure to comply with, that by-law or any other by-law made under that subsection,	
45			not exceeding \$200. (3) Section 41 of the Interpretation Act, 1897, applies in respect of a by-law made under subsection (1) as if this	
50		and Loons	Act had been passed after the commencement of the Inter- pretation (Amendment) Act, 1969.	

SCHEDULE

SCHEDULE 6—continued.

AMENDMENTS TO OTHER ACTS-continued.

	Colu	mn 1.	Column 2.
5	Year and number of Act.	Short title of Act.	Amendment.
10	54 Vic. No. 7— continued.	Wentworth Irrigation Act —continued.	Regula- tions. 33. (1) The Governor may make regulations, not incon- sistent with this Act, for or
5			with respect to any matter that, by this Act, is required or permitted to be prescribed by regulations or that is necessary or convenient to be prescribed for carrying out or giving effect
20			to this Act, and, in particular, for or with respect to the form of lease to be used under this Act.
25			(2) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation as if this Act had been passed after the commencement of the
30			Interpretation (Amendment) Act, 1969. Part IV— Omit the Part. Section 47 (a)—
5			Omit ", whether such person is acting under the authority of the Trust or of the Minister", insert instead "acting under the authority of the Commission under this Act".
10			Section 47 (d)— Omit "Trust", insert instead "Commission under this Act". Section 47 (e)—
15			Omit "by the Trust" wherever occurring, insert instead "under this Act by the Commission". Section 47— After "two Justices", insert "or a
50			stipendiary magistrate sitting alone". Section 48— Omit "Trust", insert instead "Commission under this Act".

SCHEDULE 6—continued.

AMENDMENTS TO OTHER ACTS—continued.

	Colu	mn 1.	Column 2.	
5	Year and number of Act.	Short title of Act.	Amendment.	
10	54 Vic. No. 7— continued.	Wentworth Irrigation Act —continued.	Section 48— After "two Justices", insert "or a stipendiary magistrate sitting alone". Section 49— After "two Justices", insert "or a	
15			stipendiary magistrate sitting alone". Section 51— Omit the section.	
	1902, No. 57	Hay Irrigation Act, 1902.	Section 1— Omit the matter relating to Parts II, III	
20		niner ne Lund alt i Lundere gran han det	and IV, insert instead:— Part II.— <i>Administration—ss.</i> 6–29. Section 3— Omit "Municipalities Act, 1897, or the Country Towns Water and Sewerage	
25			Act of 1880", insert instead "Local Government Act, 1919,". Section 5, definition of "Commission"— After the definition of "Bank", insert:— "Commission" means the Water	
30			Resources Commission constituted under section 4 of the Water Resources Commission Act, 1976. Section 5, definition of "Irrigation area"— Omit "trust", insert instead "Commission".	
35			Section 5, definition of "Prescribed"— Omit the definition. Section 5, definition of "The trust"— Omit the definition. Part II, heading—	
40			Omit the heading, insert instead:— PART II. Administration.	
45			Section 6— Omit the section, insert instead:— Adminis- 6. This Act shall be adminis- tration of tered by the Commission and Act. shall be read subject to the	
50			provisions of the Irrigation Act, 1912, the Water Act, 1912, and the Water Resources Commission Act, 1976. Sections 7-10 Omit the sections.	

SCHEDULE 6—continued.

AMENDMENTS TO OTHER ACTS—continued.

	Colu	ımn 1.	Column 2.
5	Year and number of Act.	Short title of Act.	Amendment.
10	1902, No. 57— continued.	Hay Irrigation Act, 1902— continued.	Property 11. (1) The following vested property shall continue to be in the vested in the Commission for Commis- the purposes of this Act:— sion.
15			(a) so much of the irrigation area as is vested in the Commission at the commencement of
20			section 19 of the Water Resources Commission Act, 1976, except such land as the Minister may
25			decide to set apart from time to time for public purposes or as may from time to time be resumed or
30			disposed of under this or any other Act; (b) all dams, weirs, flood-gates, culverts, aqueducts, sluices,
35			flumes, pipes, engines, pumping- machinery, reservoirs and other works constructed or erected
40			pursuant to this Act; and (c) the water which is at any time in any pipe, reservoir, creek, dam
45			or other work con- structed pursuant to this Act. (2) The property
50			referred to in subsection (1) shall be held and administered by the Commission, subject to the provisions of this Act.

SCHEDULE 6—continued.

AMENDMENTS TO OTHER ACTS—continued.

	Colu	ımn 1.	Column 2.	
5	Year and number of Act.	Short title of Act.	Amendment.	
10	1902, No. 57– continued.	Hay Irrigation Act, 1902— continued.	Alteration 12. The Governor may, by of Second notice published in the Gazette, Schedule. amend the Second Schedule by altering the boundaries described in the Schedule.	
15		an Charles An Charles An Charles An Charles	Part III, heading— Omit the heading. Section 13 (1)— Omit "trust", insert instead "Commission".	
20		Ri (Alian Ni (Alian Alian Alian	Section 13 (2)— Omit "by the trust", insert instead "under this Act by the Commission". Section 13 (2)— Omit "require the trust", insert instead	
25			"require the Commission". Section 13 (3)— Omit "trust", insert instead "Commission". Section 14— Omit "trust in pursuance of this Act",	
30		- con ert endin regila Lamenia in the same the	Section 14— Omit "compensated by the trust", insert instead "compensated by the Com- mission".	
35			Sections 15, 16, 17— Omit "trust" wherever occurring, insert instead "Commission". Section 17A (1) (a)—	
10			Irrigation Commission (hereinafter in this section referred to as "the Commission")", insert instead "the Commission"	
15			Sections 18, 19, 20, 21, 22, 23 (1), (2), 24— Omit "trust" wherever occurring, insert instead "Commission". Section 23 (4)—	
		d all all all	Omit "trust funds", insert instead "funds of the Commission". Section 25 (1)—	
50		and address of the second s	Omit "Water Conservation and Irrigation". Section 25 (2), (3), (4)— Omit "said" wherever occurring. Section 26 (2)— Omit "trust", insert instead "Commission".	

SCHEDULE

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SCHEDULE 6—continued.

AMENDMENTS TO OTHER ACTS—continued.

	Colu	ımn 1.	Column 2.	
5	Year and number of Act.	Short title Act.	Amendment.	
10	1902, No. 57— continued.	Hay Irrigation Act, 1902— continued.	Section 26 (4)— Omit the subsection. Section 27— Omit "trust" wherever occurring, insert instead "Commission".	
15			Section 28— Omit the section, insert instead: By-laws. 28. (1) The Commission may make by-laws, not inconsistent with this Act, for or with	
20			respect to any matter that, by this Act, is required or per- mitted to be prescribed by by-laws or that is necessary or convenient to be prescribed by	
25			by-laws for carrying out or giving effect to this Act and, in particular, for or with respect to— (a) the administration and	
30			(b) the conditions on which water shall be	
35			(c) the mode of levying rates for the supply of any such water. (2) A by-law made under	
40		1. 1. 1.	subsection (1) may impose a penalty for any contravention of, or failure to comply with, that by-law or any other by-law made under that subsection.	
45			not exceeding \$200. (3) Section 41 of the Interpretation Act, 1897, applies in respect of a by-law made under subsection (1) as if this	
50			Act had been passed after the commencement of the Inter- pretation (Amendment) Act 1969.	

SCHEDULE 6—continued.

AMENDMENTS TO OTHER ACTS—continued.

	Colu	ımn 1.	Column 2.
5	Year and number of Act.	Short title of Act.	Amendment.
10	1902, No. 57— continued.	Hay Irrigation Act, 1902— continued.	Section 29— Omit the section, insert instead: Regula- 29. (1) The Governor may tions. make regulations, not incon- sistent with this Act, for or
15			with respect to any matter that, by this Act, is required or permitted to be prescribed by regulations or that is necessary
20			or convenient to be prescribed for carrying out or giving effect to this Act. (2) Section 41 of the Interpretation Act, 1987, applies
25			in respect of a regulation as if this Act had been passed after the commencement of the Inter- pretation (Amendment) Act, 1969.
30			Part IV— Omit the Part. Section 42 (a)— Omit ", whether such person is acting under the authority of the trust or of the
35			Minister", insert instead "acting under the authority of the Commission under this Act". Section 42 (d)— Omit "trust", insert instead "Commission under this Act"
40			Section 42 (e)— Omit "by the trust" wherever occurring, insert instead "under this Act by the Commission".
45			Section 43— Omit "trust" wherever occurring, insert instead "Commission". Section 44— Omit "trust", insert instead "Commission
50			Omit "trust", insert instead "Commission under this Act". Section 47— Omit the section. Second Schedule— Omit "Water Conservation and Irrigation".

SCHEDULE

SCHEDULE 6—continued.

AMENDMENTS TO OTHER ACTS-continued.

	Colu	mn 1.	Column 2.
5	Year and number of Act.	Short title of Act.	Amendment.
10	1902, No. 78	Balranald Irrigation Act, 1902.	Section 1— Omit the matter relating to Parts II, III and IV, insert instead:— PART II.—Administration—ss. 5-35. Section 2 (5)—
15			Omit "Municipalities Act, 1897, or the Country Towns Water and Sewerage Act of 1880", insert instead "Local Government Act, 1919". Section 4, definition of "Commission"—
20		in destruition ingen in in in in in in in in i in i	Before the definition of "Domestic use", insert:
25			mission Act, 1976. Section 4, definition of "Prescribed"— Omit the definition. Section 4, definition of "The Trust"— Omit the definition.
30			Part II, heading— Omit the heading, insert instead:— PART II. Administration. Section 5—
35			Omit the section, insert instead: Adminis- 5. This Act shall be adminis- tration tered by the Commission and of Act. shall be read subject to the provisions of the Irrigation Act.
40			1912, the Water Act, 1912, and the Water Resources Com- mission Act, 1976. Sections 6-9—
45			Omit the sections. Section 10— Omit the section, insert instead:— Property 10. (1) The following pro-
50			vested in perty shall continue to be vested the Com- mission. in the Commission for the pur- poses of this Act:— (a) so much of the irri- gation area as is vested in the Commission at

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SCHEDULE

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SCHEDULE 6—continued.

AMENDMENTS TO OTHER ACTS—continued.

	Colu	mn 1.	Column 2.
5	Year and number of Act.	Short title of Act.	Amendment.
10	1902, No. 78— continued.	Balranald Irrigation Act, 1902— continued.	the commencement of section 19 of the Water Resources Commission Act, 1976, except such
15			land as the Minister may decide to set apart from time to time for public purposes or as may from time to time be resumed or disposed
20			of under this or any other Act; (b) all dams, weirs, flood- gates, culverts, aque- ducts, sluices, flumes,
25			pipes, engines, pump- ing machinery, reser- voirs and other works constructed or erected pursuant to this Act;
30			(c) the water which is at any time in any swamp or creek near or within the irrigation area, or
35			in any pipe, reservoir or other work con- structed pursuant to this Act.
40			(2) The property referred to in subsection (1) shall be held and administered by the Com- mission, subject to the pro- visions of this Act, but no part
45			of the land described in the First Schedule shall be sold except with the consent of the Governor. Part III, heading—
50			Omit the heading. Section 11 (1)— Omit "Trust" wherever occurring, insert instead "Commission".

SCHEDULE

SCHEDULE 6—continued.

AMENDMENTS TO OTHER ACTS—continued.

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	Column 1.		Column 2.
5	Year and number of Act.	Short title of Act.	Amendment.
10	1902, No. 78— continued.	Balranald Irrigation Act, 1902— <i>continued</i> .	Section 11 (1)— Omit "at any time after submitting to the Minister a general plan and description of the scheme and obtaining his sanction for the same".
15			Section 11 (2)— Omit "by the Trust", insert instead "under this Act by the Commission". Section 11 (2)— Omit "require the Trust", insert instead
20			"require the Commission". Section 11 (2)— Omit "such Trust", insert instead "the Commission"
25			Section 11 (3)— Omit "Trust", insert instead "Commission." Sections 12–15— Omit the sections. Section 16 (2)—
30			Omit the subsection. Section 17— Omit the section. Sections 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28—
35			Omit "Trust" wherever occurring, insert instead "Commission". Section 29 (1), (2)— Omit "Trust" wherever occurring, insert instead "Commission".
40			Section 29 (4)— Omit "Trust Funds", insert instead "funds of the Commission". Sections 30, 31, 32— Omit "Trust" wherever occurring, insert
45			instead Commission". Section 33 (1), (3)— Omit "Trust" wherever occurring, insert instead "Commission". Section 33 (4)—
50			Omit "Trust" where firstly occurring, insert instead "Commission". Section 33 (4)— Omit "Trust" where secondly occurring, insert instead "Commission under this Act".

SCHEDULE 6—continued.

AMENDMENTS TO OTHER ACTS-continued.

	Colum	ın 1.	Column 2.
5	Year and number of Act.	Short title of Act.	Amendment.
10	1902, No. 78— continued.	Balranald Irrigation Act, 1902— continued.	Section 34— Omit the section, insert instead:— By-laws. 34. (1) In addition to the by- laws set out in the Second Schedule, the Commission may
15			make by-laws, not inconsistent with this Act, for or with respect to any matter that, by this Act, is required or permitted to be prescribed by by-laws or that is
20		nin ni mada	necessary or convenient to be prescribed by by-laws for carry- ing out or giving effect to this Act and, in particular, for or with respect to—
25			(a) the administration and maintenance of the works constructed pur- suant to this Act; (b) the conditions on
30			which water shall be supplied; (c) the mode of assessing property and levying
35			rates; and (d) the ensuring of bona fide settlement, im- provement and culti- vation of land within
40			the irrigation area, and all matters relating thereto. (2) A by-law made under subsection (1) may impose a
45			penalty for any contravention of, or failure to comply with, that by-law or any other by-law made under that subsection, not exceeding \$200.

SCHEDULE

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SCHEDULE 6—continued.

AMENDMENTS TO OTHER ACTS—continued.

5	Column 1.		Column 2.	
	Year and number of Act.	Short title of Act.	Amendment.	
10	1902, No. 78— continued.	Balranald Irrigation Act, 1902— continued.	(3) Section 41 of the In- terpretation Act, 1897, applies in respect of a by-law made under subsection (1) as if this Act had been passed after the	
15			commencement of the Inter- pretation (Amendment) Act, 1969. Section 35—	
20			Omit the section, insert instead:— Regula- tions. 35. (1) The Governor may make regulations, not inconsis- tent with this Act, for or with respect to any matter that, by this Act, is required or permitted	
25			to be prescribed by regulations or that is necessary or con- venient to be prescribed for carrying out or giving effect to	
30			this Act, and, in particular, for or with respect to the form of lease to be used under this Act. (2) Section 41 of the In- terpretation Act, 1897, applies	
35			in respect of a regulation as if this Act had been passed after the commencement of the Inter- pretation (Amendment) Act, 1969.	
40			Part IV— Omit the Part. Section 49 (a)— Omit ", whether such person is acting under the authority of the Trust or of the	
45			Minister", insert instead "acting under the authority of the Commission under this Act". Section 49 (d)—	
50			Omit "Trust", insert instead "Commission under this Act". Section 49 (e)— Omit "by the Trust" wherever occurring, insert instead "under this Act by the Commission".	

SCHEDULE 6—continued.

AMENDMENTS TO OTHER ACTS-continued.

	Colu	mn 1.	Column 2.
5	Year and number of Act.	Short title of Act.	Amendment.
10	1902, No. 78— continued.	Balranald Irrigation Act, 1902— continued.	Section 50— Omit "Trust", insert instead "Commission under this Act". Section 53— Omit the section.
15			Second Schedule, heading— Omit "and regulations". Second Schedule— Omit "Trust" wherever occurring, insert instead "Commission".
20	1912, No. 44	Water Act, 1912.	Section 4, definition of "Commission"— Before the definition of "Crown lands", insert:— "Commission" means the Water Resources Commission constituted under section 4 of the Water Resources
25			Commission Act, 1976. Section 4, definition of "The Commission"— Omit the definition. Section 30 (2)—
30	1913, No. 7	Crown Lands Consolidation Act, 1913.	1912", insert:
35			gation area, means the Water Resources Commission constituted under section 4 of the Water Resources Commission Act, 1976. Section 5 (1), definition of "The Com- mission"—
40			mission"— Omit the definition. Section 25A (4)— Omit "The Water Conservation and Irrigation Commission", insert instead
45	1915, No. 8	River Murray Waters Act, 1915.	"the Water Resources Commission". Section 13 (2) (a)— Omit "The Water Conservation and Irrigation Commission", insert instead
50			"the Water Resources Commission". Section 13 (2) (b)— Omit "The Water Conservation and Irrigation Commission", insert instead "the Water Resources Commission".

SCHEDULE

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SCHEDULE 6—continued.

AMENDMENTS TO OTHER ACTS-continued.

	Colu	mn 1.	Column 2.
5	Year and number of Act.	Short title of Act.	Amendment.
10	1915, No. 8— continued.	River Murray Waters Act, 1915— continued.	Section 13 (2)— Omit "The Water Conservation and Irrigation Commission" where lastly occurring, insert instead "the Water Resources Commission".
15			Section 13 (3)— Omit "The Water Conservation and Irrigation Commission" wherever occurring, insert instead "the Water Resources Commission".
20			Section 13 (3)— Omit "servant", insert instead "employee". Section 15— Omit "The Water Conservation and Irrigation Commission" wherever
25			occurring, insert instead "the Water Resources Commission". Section 16 (a)— Omit "The Water Conservation and Irrigation Commission", insert instead "the Water Resources Commission".
30	1916, No. 28	Superannuation Act, 1916.	Schedule III— Omit "The Commissioner for Water Conservation and Irrigation", insert instead "The Water Resources Com- mission".
35	1941, No. 54	Irrigation (Amendment) Act, 1941.	Section 2, definition of "Commission"— Omit the definition, insert instead:— "Commission" means the Water Resources Commission constituted under section 4 of the Water
40	1944, No. 15	Crown Employees Appeal Board Act, 1944.	Resources Commission Act, 1976. Second Schedule— Omit "The Water Conservation and Irrigation Commission", insert instead "The Water Resources Commission".
45	1946, No. 22		Long title— Omit "Conservation and Irrigation", insert instead "Resources". Section 2, definition of "Commission"— Omit the definition, insert instead:—
50			"Commission" means the Water Resources Commission constituted under section 4 of the Water Resources Commission Act, 1976.

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SCHEDULE 6—continued.

AMENDMENTS TO OTHER ACTS—continued.

	Colum	n 1.	Column 2.
5	Year and number of Act.	Short title of Act.	Amendment.
10	1947, No. 10	New South Wales- Queensland Border Rivers Act, 1947.	Section 4, definition of "Controlling Authority"— Omit "Conservation and Irrigation", insert instead "Resources". Section 14— Omit "Conservation and Irrigation"
15			wherever occurring, insert instead "Resources". Section 20— Omit "Conservation and Irrigation", insert instead "Resources".
20	1948, No. 20	Rivers and Foreshores Improvement Act, 1948.	Section 2, definition of "Commission"— After the definition of "Board", insert:—
25			Commission Act, 1976. Section 2, definition of "Constructing Authority"— From paragraph (b), omit "Water Con-
30	1956, No. 10	Hunter Valley Flood Miti-	
35	1057 No. 29	gation Act, 1956.	"Commission" means the Water Resources Commission constituted under section 4 of the Water Resources Commission Act, 1976.
40	1957, No. 28	Attachment of Wages Limitation Act, 1957.	Omit "Conservation and Irrigation", insert instead "Resources".
	1970, No. 78	Clean Waters Act, 1970.	Section 5, definition of "statutory authority"— Omit "Conservation and Irrigation", insert
45			instead "Resources". Section 6 (2) (b) (iii)— Omit the subparagraph, insert instead :— (iii) one shall be a representative of the
50			Water Resources Commission nominated by the Minister ad- ministering the Water Resources Commission Act, 1976;

SCHEDULE

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SCHEDULE 6—continued.

AMENDMENTS TO OTHER ACTS-continued.

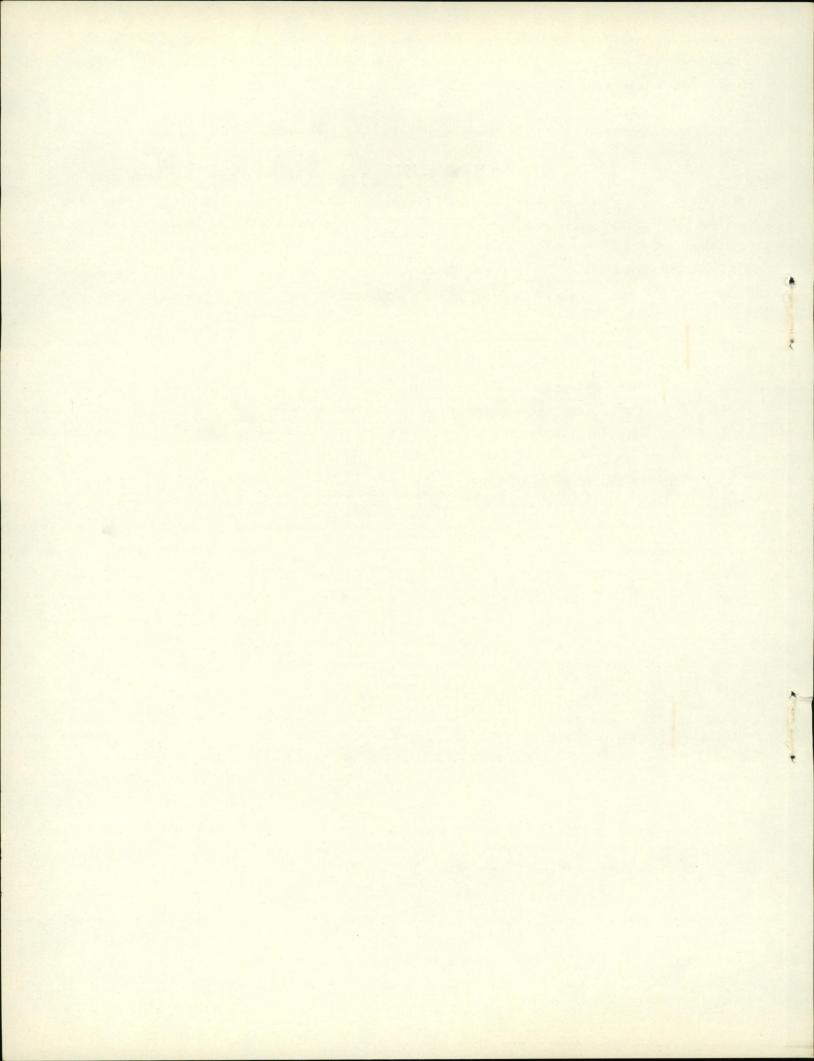
	Colu	ımn 1.	Column 2.
5	Year and number of Act.	Short title of Act.	Amendment.
10	1970, No. 95	State Pollution Control Commission Act, 1970.	Section 18 (1) (g)— Omit the paragraph, insert instead:— (g) one shall be a representative of the Water Resources Commission nominated by the Minister ad- ministering the Water Resources
15 20	1973, No. 47	Private Irrigation Districts and Water (Amendment)	Commission Act, 1976; Section 4 (1), definition of "Commission"— Omit the definition, insert instead:— "Commission" means the Water Resources Commission constituted
	1973, No. 58	Act, 1973. Farm Water Storages and Bores	Resources Commission Act, 1976;
25	1976, No. 4	Subsidies Act, 1973.	Resources Commission constituted under section 4 of the Water Resources Commission Act, 1976; Schedule 2, Part 1—
30	1270,110111	Other Offices Remunera- tion Act, 1975.	Omit— Chief Commissioner (under the Irrigation Act, 1912). Commissioner (under the Irrigation Act, 1912), being the Senior Commissioner.
35			Commissioner (under the Irrigation Act, 1912), other than the Senior Commissioner. insert instead:— Chief Commissioner (under the Water
40			Resources Commission Act, 1976). Commissioner (under the Water Resources Commission Act, 1976), being a full-time commissioner.

BY AUTHORITY D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES-1976

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ANNO VICESIMO QUINTO ELIZABETHÆ II REGINÆ

Act No. 34, 1976.

An Act to reconstitute The Water Conservation and Irrigation Commission as the Water Resources Commission; to confer and impose certain powers, authorities, duties and functions on the Water Resources Commission with respect to the control, management and development of water resources of New South Wales and certain other matters; and to make consequential and other amendments to the Irrigation Act, 1912, and to certain other Acts. [Assented to, 1st April, 1976.]

⁶ public to botics¹⁰ means any government department. **H** are clautary body representing the Crown, any eights of or strice council or any other subsection (2) (a) to be other subsection (2) (a) to be a public authority for the propose of this Act;

Act No. 34, 1976.

Water Resources Commission.

 \mathbf{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:—

Short title.

1. This Act may be cited as the "Water Resources Commission Act, 1976".

Commencement.

2. (1) This section and section 1 shall commence on the date of assent to this Act.

(2) Except as provided in subsection (1), the several provisions of this Act shall commence on such day or days as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Interpretation. 3. (1) In this Act, except so far as the context or subjectmatter otherwise indicates or requires—

> "Chief Commissioner" means the person appointed under this Act as the Chief Commissioner:

> "Commission" means the Water Resources Commission constituted under this Act;

> "commissioner" means a person appointed under this Act as a commissioner, but does not include the Chief Commissioner;

> "full-time commissioner" means a commissioner appointed under section 5 (a);

> "part-time commissioner" means a commissioner appointed under section 5 (b);

> "public authority" means any government department, any statutory body representing the Crown, any city, municipal or shire council or county council, or any other body declared under subsection (2) (a) to be a public authority for the purposes of this Act;

> > "statutory

Act No. 34, 1976.

Water Resources Commission.

- "statutory body" means a body declared under subsection (2) (b) to be a statutory body for the purposes of this Act;
- "sub-surface water" means water occurring naturally under the surface of the ground whatever may be the geological structure in which it is standing or moving.

(2) The Minister may, by order published in the Gazette-

- (a) declare any body constituted by or under statute to be a public authority for the purposes of this Act; and
- (b) declare any body constituted by or under statute to be a statutory body for the purposes of this Act.

4. (1) The Governor may, subject to this Act, appoint a Constitution Of Water Chief Commissioner who is hereby incorporated as a corpora- of Water Resources tion sole under the corporate name of "Water Resources Commission."

(2) The Commission—

- (a) has perpetual succession;
- (b) shall have an official seal;
- (c) may take proceedings, and be proceeded against, in its corporate name;
- (d) may, subject to this Act, purchase, exchange, take on lease, hold, dispose of by way of lease or sale, and otherwise deal with property;
- (e) may do and suffer all other things that corporations may, by law, do and suffer and that are necessary for or incidental to the purposes for which it is constituted;

(f)

Act No. 34, 1976.

Water Resources Commission.

(f) shall, in the exercise and performance of its powers, authorities, duties and functions under this or any other Act, be subject to the control and direction of the Minister; and

(g) is, for the purposes of any Act, a statutory body representing the Crown.

(3) The seal of the Commission shall be kept by the Chief Commissioner and shall not be affixed to any instrument or writing except in the presence of the Chief Commissioner or a commissioner or of some other person who is authorised by the Chief Commissioner to affix the seal to the instrument or writing, and the Chief Commissioner or commissioner, or the person so authorised, shall attest by his signature the fact and date of the seal being so affixed.

(4) All courts and persons acting judicially—

- (a) shall take judicial notice of the seal of the Commission that has been affixed to an instrument or writing; and
- (b) shall, until the contrary is proved, presume that the seal was properly affixed.
- 5. The Governor may, subject to this Act, appoint-

(a) 2 full-time commissioners; and

(b) 2 part-time commissioners,

to assist the Commission in the exercise and performance of its powers, authorities, duties and functions under this or any other Act.

Terms of appointment of Chief Commissioner and commissioners. 6. (1) The Chief Commissioner and a full-time commissioner shall be appointed on the nomination of the Minister and shall, subject to this Act, respectively be appointed for terms, not exceeding 7 years, specified in the instruments of their appointment.

Appointment of commissioners.

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(2)

Water Resources Commission.

(2) A part-time commissioner shall be appointed on the nomination of the Minister and shall, subject to this Act, be appointed for a term, not exceeding 3 years, specified in the instrument of his appointment.

(3) The Public Service Act, 1902, does not apply to or in respect of the appointment of the Chief Commissioner or a commissioner, and the Chief Commissioner and commissioners are not subject to that Act during their terms of office in their respective capacities as Chief Commissioner and commissioner.

(4) A person is not eligible for appointment or reappointment as Chief Commissioner or as a commissioner if he is a person—

- (a) who is a bankrupt or who is applying to take the benefit of any law for the relief of bankrupt or insolvent debtors, or whose debts are subject to a composition with his creditors or whose remuneration or allowances would, on his appointment, be subject to an assignment for their benefit;
- (b) who is a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act;
- (c) who has been convicted of a crime or an offence, whether in New South Wales or elsewhere, and is serving a sentence of imprisonment in respect of that crime or offence; or

(d) who has—

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(i) in the case of the Chief Commissioner or a full-time commissioner, attained the age age of 65 years; or

(ii)

(ii) in the case of a part-time commissioner, attained the age of 70 years.

(5) Schedule 1 has effect with respect to the Chief Commissioner and the commissioners.

Liability for acts, etc., of Commission.

(1) No matter or thing done or omitted, and no 7. contract entered into, by the Commission, and no matter or thing done or omitted by the Chief Commissioner or a commissioner acting in his official capacity or by any other person acting under the direction or as a delegate of the Commission, shall, if the matter or thing was done or omitted, or the contract was entered into, in good faith for the purposes of this Act or any other Act conferring or imposing powers, authorities, duties or functions on the Commission, render the Chief Commissioner, commissioner or person so acting personally liable to any action, liability, claim or demand.

(2) Nothing in subsection (1) exempts the Chief Commissioner or a commissioner, or any person acting under the direction or as a delegate of the Commission, from liability to be surcharged with the amount of any payment which is disallowed by the Auditor-General and which the Chief Commissioner or that commissioner or person, as the case may be, authorised or joined in authorising.

Disposal of money by the

(1) Except where otherwise expressly provided by or 8. under this or any other Act or unless the Treasurer has by Commission, instrument in writing directed or authorised money payable to the Commission from a source specified or described in the instrument to be disposed of in some other manner, all money paid or payable to the Commission under this or any other Act shall be collected and received by the Commission on account of, and shall be paid into, the Consolidated Revenue Fund.

(2)

Water Resources Commission.

(2) The accounts of the Commission shall be audited by the Auditor-General who shall, in respect thereof, have all the powers conferred on the Auditor-General by any law for the time being in force relating to the audit of public accounts, and the Audit Act, 1902, shall apply to the Commission, the Chief Commissioner, the commissioners and the officers and employees of the Commission in the same manner as it applies to accounting officers of public departments.

9. (1) The Commission may appoint and employ such Appointment officers and employees as are necessary to enable it to exercise and and perform its powers, authorities, duties and functions under employees this or any other Act.

(2) Every officer and employee of the Commission shall, subject to the terms of his appointment, continue in the service of the Commission at the will of the Commission only.

(3) All officers and employees of the Commission shall be subject to the sole control and governance of the Commission which may, where their remuneration or conditions of employment are not fixed in accordance with the provisions of any other Act or law, fix the salary or wages payable to those officers and employees and the conditions of their employment.

(4) Regulations may be made under section 16 for or with respect to the conditions of employment of persons in the service of the Commission.

(5) The regulations made for the purposes of subsection (4)—

- (a) shall have effect subject to any award by which the Commission is bound made by a court of competent jurisdiction and to any industrial agreement to which the Commission is a party; and
- (b) shall have effect notwithstanding subsection (3).

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Water Resources Commission.

(6) An officer or employee of the Commission shall not, in respect of the same period of service, be entitled to claim a benefit under this Act and under another Act.

(7) Schedule 2 has effect with respect to the retirement of officers of the Commission.

Extended leave. 10. Schedule 3 has effect with respect to the entitlement to extended leave of the Chief Commissioner, the full-time commissioners and the officers of the Commission.

Powers, authorities, duties and functions of Commission.

11. (1) The Commission shall have and may exercise and perform the powers, authorities, duties and functions conferred or imposed on it by or under this or any other Act, and, in particular, shall have and may exercise and perform the following powers, authorities, duties and functions :—

(a) the making of provision for-

- (i) the systematic gauging and recording of the volume and flow of rivers and streams, and of the volume of lakes and lagoons, within New South Wales and of the effect of climatic conditions on those volumes; and
- (ii) the gathering and recording of such data concerning the sub-surface water resources of New South Wales as the Commission considers to be practicable;
- (b) the collection, collating and interpretation of data concerning the quantity and quality of water resources in lakes, rivers, streams and lagoons and of sub-surface water resources;
- (c) the evaluation of present and future requirements for water in New South Wales;

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(d)

(d) the maintenance of a central repository of relevant data on water resources and on the use of those resources;

- (e) the carrying out of research for the purpose of improving the quality of water supplies;
- (f) the carrying out of works to provide for the more extensive use of water resources;
- (g) the investigation, evaluation, implementation and co-ordination of proposals for flood control and flood mitigation;
- (h) the development and management of river catchment areas as sources of water supplies and the co-ordination of—
 - (i) development schemes for river catchment areas; and
 - (ii) the management of river catchment areas;
 - (i) the planning of the development of water resources in New South Wales;
 - (j) the co-ordination of activities of public authorities with respect to water resources and the review of all proposals and projects of any public authority for the development of water resources;
 - (k) the co-ordination and advancement of water policies with Commonwealth and interstate authorities;
 - the formulation, co-ordination and implementation of plans for the assessment, conservation, protection, replenishment, utilisation and distribution of the surface and sub-surface water resources of New South Wales;

(m)

- (m) the formulation, co-ordination and implementation of plans for flood control works and the ascertaining of the nature and extent of land likely to be affected by those plans if implemented;
- (n) the carrying out of consultations, and the making of arrangements, with any public authority for the performance or undertaking by that authority of anything within that authority's powers which will affect the quantity or quality of the water resources of New South Wales or the management of those resources for the benefit of the public;
- (o) the carrying out of, or the commissioning of the carrying out of, and the co-ordination of, research into any matter relating to water resources;
- (p) the compilation and publication of information on any matter relating to water resources; and
- (q) the carrying out of such surveys, investigations, boring, drilling and exploration as it considers necessary or desirable to enable it effectively to carry out its powers, authorities, duties and functions under this or any other Act and, in particular, the carrying out of such surveys, investigations, boring, drilling and exploration as it considers necessary or desirable—
 - (i) to ascertain potential sites for works of water storage and water supply and the practicability and cost of constructing those works;
 - (ii) to ascertain the nature and extent of land capable of being supplied with water from any existing or proposed works of water storage or water supply and the means by which that land may be supplied with that water;

(iii)

- (iii) to ascertain the need and potential sites for flood control and flood mitigation works and the practicability and cost of constructing those works;
- (iv) to ascertain the nature and extent of land capable of being protected or partially protected by flood control or flood mitigation works from flooding or inundation;
- (v) to ascertain the existence and location of sub-surface waters and their nature and quality; and
- (vi) to enable the formation, co-ordination and implementation of plans for the assessment, conservation, protection, replenishment, utilisation and distribution of the surface and sub-surface water resources of New South Wales for the benefit of the public.

(2) The Commission may, in the exercise or performance of its powers, authorities, duties and functions under this or any other Act, by its officers, employees or agents enter on any land and do all such things as are required—

(a) for the purpose of—

(i) making and carrying out such inspections, tests, investigations, surveys, experiments, boring, drilling and exploration as are necessary for the full and effective exercise or performance of its powers, authorities, duties and functions under this or any other Act;

- (ii) constructing, maintaining, operating or altering any works that it is empowered to construct or operate under this or any other Act; or a demonstruction
 - (iii) implementing any proposals or plans referred to in subsection (1); or
 - (b) for any other purpose connected with or related to or incidental to the exercise or performance of its powers, authorities, duties and functions under this or any other Act,

notwithstanding that an easement or right to enter the land may not have been granted or acquired.

(3) In the exercise of a power conferred by subsection (2) the Commission shall ensure that no more damage than is necessary in the circumstances is inflicted and shall fully compensate any person who sustains damage in the course of the exercise of that power.

(4) A power conferred by subsection (2) is in addition to any other power relating to entry on to land conferred by or under this or any other Act.

(5) For the purpose of enabling the Commission to exercise or perform the powers, authorities, duties and functions conferred or imposed on the Commission by or under this or any other Act, a public authority shall, on receiving from the Commission a request in writing in that behalf and as far as is practicable having regard to all the circumstances of the matter, carry out such work, render such assistance or provide such information as may be specified in the request and as the authority is empowered by law to carry out, render or provide.

12.

12. (1) The Commission may establish standing or Appointment special committees or councils for the purposes of assisting or of committees, advising the Commission in the exercise or performance of its etc., and powers, authorities, duties and functions under this or any delegations. other Act and may appoint as a member of any such committee or council any person who, in its opinion, appears to be qualified to be a member of that committee or council.

(2) The Commission shall appoint one of the members of a committee or council established under subsection (1) to be chairman of the committee or council and any such committee or council may, subject to any directions of the Commission, regulate its procedure in such manner as it thinks fit.

(3) The Commission may, by instrument in writing, delegate to any committee or council established under subsection (1), or to a commissioner or to any officer of the Commission, the exercise or performance of such of its powers (other than this power of delegation), authorities, duties and functions as may be specified in the instrument of delegation and may, by a similar instrument, revoke any such delegation either wholly or in part.

(4) A delegation under subsection (3) may be made subject to such conditions or such limitations as to the exercise or performance of any of the powers, authorities, duties or functions that have been delegated, or as to time or circumstance, as may be specified in the instrument of delegation.

(5) A power, authority, duty or function, the exercise or performance of which has been delegated under subsection (3) may, while the delegation remains unrevoked, be exercised or performed by the delegate from time to time in accordance with the terms of the delegation.

(6) Notwithstanding the making of any delegation under subsection (3), the Commission may continue to exercise or perform all or any of the powers, authorities, duties or functions that have been delegated.

(7) Any act, omission or thing done, omitted or undergone by a delegate while acting pursuant to a delegation made under subsection (3) shall have the same force and effect as if the act, omission or thing had been done, omitted or undergone by the Commission.

Limitation of proceedings. 13. All proceedings against the Commission for anything done or omitted or purporting to have been done or omitted under this Act or under any other Act (whether passed before or after the commencement of this section) which confers or imposes any power, authority, duty or function on the Commission, or in the exercise or performance of any power, authority, duty or function conferred or imposed by any such Act, shall be commenced within 3 years after the act or omission complained of was committed or made.

Notice of proceedings. 14. (1) No proceedings shall be commenced against the Commission or any person for anything done or omitted or purporting to have been done or omitted under this Act or under any other Act (whether passed before or after the commencement of this section) which confers or imposes any power, authority, duty or function on the Commission, or in the exercise or performance of any power, authority, duty or function conferred or imposed by any such Act, until 1 month at least after a notice in writing of the intended proceedings has been delivered to or left at the office of the Commission or person by the party intending to commence those proceedings, or by his attorney or agent.

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(2)

(2) The notice shall clearly and explicitly state the cause of action and the court in which the proceedings are intended to be brought, and on the back of the notice there shall be endorsed the name and place of residence of the party intending to commence the proceedings and, if the notice was served by an attorney or agent, the name and place of residence or of business of that attorney or agent.

(3) A notice under this section shall not be deemed invalid by reason of any defect or inaccuracy therein unless the court before which the proceedings are tried is of opinion that the defendant in the action has been prejudiced in his defence by the defect or inaccuracy.

15. (1) If any irregularity, trespass, or other wrongful Tender of proceeding has been committed in the execution of this Act amends. or of any other Act (whether passed before or after the commencement of this section) which confers or imposes any power, authority, duty or function on the Commission or in the exercise or performance of any power, authority, duty or function conferred or imposed by any such Act, and if, before proceedings are brought in respect thereof, tender of sufficient amends is made to the person injured, that person shall not recover in any such proceedings.

(2) If no such tender has been made, the defendant may, by leave of the court in which the proceedings are pending at any time before issue is joined, pay into court such sum of money as the defendant thinks fit, and thereupon such proceedings shall be had as in other cases where defendants are allowed to pay money into court.

16. (1) The Commission may, with the approval of the Regulations. Governor, make regulations for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying

out

out or giving effect to this Act and, in particular, for or with respect to the control and regulation of officers and employees of the Commission.

(2) Regulations may be made so as to apply differently according to such factors as may be specified in the regulations.

17. Schedule 4 has effect.

Savings and transitional provisions.

Amendment **18.** The Irrigation Act, 1912, is amended in the manner set forth in Schedule 5. Act, 1912.

Amendments **19.** Each Act specified in Column 1 of Schedule 6 is amended in the manner specified opposite that Act in Column 2 of Schedule 6.

Sec. 6.

SCHEDULE 1.

PROVISIONS RELATING TO THE CHIEF COMMISSIONER AND COMMISSIONERS.

1. (1) The Chief Commissioner and a full-time commissioner shall respectively devote the whole of their time to the duties of their office and shall respectively be paid—

- (a) remuneration in accordance with the Statutory and Other Offices Remuneration Act, 1975; and
- (b) such travelling and subsistence allowances as the Minister may from time to time determine in respect of each of them.

(2) A part-time commissioner shall be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of him.

(3) The Chief Commissioner and a commissioner or a person who has been Chief Commissioner or a commissioner shall, if otherwise qualified, be eligible for re-appointment as the Chief Commissioner or as a commissioner, as the case may be.

SCHEDULE

Provisions relating to the Chief Commissioner and to commissioners generally.

SCHEDULE 1-continued.

PROVISIONS RELATING TO THE CHIEF COMMISSIONER AND COMMISSIONERS—continued.

- (4) Any such re-appointment shall be-
 - (a) in the case of a re-appointment as Chief Commissioner or as a full-time commissioner, for such term not exceeding 7 years; and
 - (b) in the case of a re-appointment as a part-time commissioner, for such term not exceeding 3 years.

as may be specified in the instrument of his re-appointment.

(5) On the occurrence of a vacancy in the office of Chief Commissioner or of a commissioner otherwise than by the expiration of the term for which he was appointed, the Governor may appoint a person to hold office as Chief Commissioner or as a commissioner for the balance of his predecessor's term of office.

(6) A person appointed under subclause (5) shall be appointed on the nomination of the Minister.

2. (1) The Minister may appoint a person, other than a commis- Appointsioner, to act in the office of a full-time commissioner or of a part-time ment of subcommissioner while that commissioner is absent from his office stitutes to through illness or other cause or is acting as Chief Commissioner, and absence of the person so appointed shall, while so acting, be deemed to be a Chief Comfull-time commissioner or a part-time commissioner, as the case may missioner and com-be, and have the immunities, powers, authorities, duties and functions missioners. of the commissioner in whose office he is acting.

(2) The Minister may appoint a full-time commissioner to act in the office of the Chief Commissioner while the Chief Commissioner is absent from his office through illness or other cause, and the commissioner so appointed shall, while so acting, be deemed to be the Chief Commissioner and have the immunities, powers, authorities. duties and functions of the Chief Commissioner.

(3) The Minister may, for any cause which to him seems sufficient, remove from office any person appointed under subclause (1) or (2).

SCHEDULE 1—continued.

PROVISIONS RELATING TO THE CHIEF COMMISSIONER AND COMMISSIONERS—continued.

(4) No person shall be concerned to inquire whether or not any occasion has arisen requiring or authorising a person to act in the office of a commissioner or requiring or authorising a commissioner to act in the office of the Chief Commissioner, and all acts or things done or omitted by the person or commissioner while so acting shall be as valid and effectual, and shall have the same consequences, as if they had been done or omitted by the commissioner in whose office the person was appointed to act or by the Chief Commissioner, as the case may be.

3. (1) The Chief Commissioner or a commissioner shall be deemed to have vacated his office—

- (a) if he dies;
- (b) if, being the Chief Commissioner or a full-time commissioner, he engages without the approval of the Governor in any paid employment outside the duties of his office;
- (c) if, being the Chief Commissioner or a full-time commissioner, he absents himself from duty for a period exceeding 14 consecutive days except—
 - (i) on leave granted by the Minister (which leave the Minister is hereby authorised to grant);
 - (ii) through illness or other unavoidable cause; or
 - (iii) pursuant to a right preserved by clause 4;
- (d) if he becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration or allowances as Chief Commissioner or as a commissioner, or of his estate, for their benefit;
- (e) if he becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act;
- (f) if he is convicted in New South Wales of a crime or an offence punishable by imprisonment for 12 months or more, or if he is convicted elsewhere than in New South Wales of a crime or an offence which, if committed in New South Wales, would be a crime or an offence so punishable;

SCHEDULE

Casual vacancy.

SCHEDULE 1-continued.

PROVISIONS RELATING TO THE CHIEF COMMISSIONER AND COMMISSIONERS—continued.

- (g) if he resigns his office by writing under his hand addressed to the Governor and the Governor accepts the resignation; or
- (h) if he is removed from office by the Governor for misbehaviour or incompetence under subclause (4).

(2) The Chief Commissioner or a full-time commissioner shall be deemed to have vacated his office on the day on which he attains the age of 65 years.

(3) A part-time commissioner shall be deemed to have vacated his office on the day on which he attains the age of 70 years.

(4) The Governor may remove the Chief Commissioner or a commissioner from office on the grounds of misbehaviour or incompetence.

4. (1) In this clause, "superannuation scheme" means a scheme, Preservation fund or arrangement under which any superannuation or retirement of certain benefits are provided and which is established by or under any Act. Chief Com-

Chief Commissioner and commissioners

(2) Subject to subclause (3) and to the terms of his appoint-missioners. ment, where the Chief Commissioner or a full-time commissioner, immediately before his appointment as such, was—

(a) an officer of the Public Service;

- (b) a contributor to a superannuation scheme;
- (c) an officer employed by a statutory body; or
- (d) a person in respect of whom provision was made by any Act that he retain any rights accrued or accruing to him as an officer or employee,

he—

(e) shall retain any rights and privileges accrued to him as such an officer, contributor or person;

SCHEDULE 1-continued.

PROVISIONS RELATING TO THE CHIEF COMMISSIONER AND COMMISSIONERS—continued.

- (f) may continue to contribute to any superannuation scheme to which he was a contributor immediately before his appointment as Chief Commissioner or as a commissioner; and
- (g) shall be entitled to receive any deferred or extended leave and any payment, pension or gratuity,

as if he had continued to be such an officer, contributor or person during his service as Chief Commissioner or as a commissioner, as the case may be, and—

- (h) his service as Chief Commissioner or as a commissioner shall be deemed to be service as an officer or employee for the purposes of any law under which those rights accrued or were accruing, under which he continues to contribute or by which that entitlement is conferred; and
- (i) he shall be deemed to be an officer or employee and the Commission shall be deemed to be his employer for the purpose of the superannuation scheme to which he is entitled to contribute under this subclause.
- (3) Where the Chief Commissioner or a commissioner-
- (a) would, but for this subclause, be entitled under subclause
 (2) to contribute to a superannuation scheme, or to receive any payment, pension or gratuity under a superannuation scheme; and
- (b) becomes a contributor to another superannuation scheme (whether on his appointment as Chief Commissioner or as a commissioner or at any later time while he holds office as such),

he ceases to be so entitled and subclause (2) (i) ceases to apply to or in respect of him.

(4) Subclause (3) does not prevent the payment to the Chief Commissioner or to a commissioner, on his ceasing to be a contributor to a superannuation scheme, of such amount as would have been payable to him if he had ceased, by reason of resignation, to be an officer or employee for the purposes of that scheme.

SCHEDULE 1-continued.

PROVISIONS RELATING TO THE CHIEF COMMISSIONER AND COMMISSIONERS---continued.

(5) Neither the Chief Commissioner nor a commissioner shall, in respect of the same period of service, be entitled to claim a benefit under this Act and another Act.

5. (1) In this clause—

"officer or employee of a prescribed authority" does not include sioner and the Chief Commissioner, a commissioner or a member of commisany other statutory body;

"prescribed authority" means the Commission and any other re-appointstatutory body;

"retiring age" means-

- (a) in relation to a person who was, immediately before his appointment as Chief Commissioner or as a fulltime commissioner, an officer of the Public Service the age of 60 years; and
- (b) in relation to a person who was, immediately before his appointment as Chief Commissioner or as a fulltime commissioner, an officer or employee of a prescribed authority—the age at which officers or employees (being officers or employees of the class to which that person belonged immediately before his appointment as Chief Commissioner or as a commissioner) of that prescribed authority are entitled to retire.

(2) Where the Chief Commissioner ceases to hold office as such, otherwise than pursuant to clause 3 (1) (paragraph (g) excepted), and—

- (a) was, immediately before his appointment as Chief Commissioner; or
- (b) in the case of a Chief Commissioner who, before his appointment as such, held office as a full-time commissioner, was, immediately before his appointment as a full-time commissioner.

an officer of the Public Service or an officer or employee of a prescribed authority, he shall, if he has not attained the retiring age, be entitled to be appointed to some office in the Public Service or, as

SCIPTINTE

SCHEDULE

Chief Commissioner and commissioners entitled to re-appointment in former employment in certain cases.

SCHEDULE 1-continued.

PROVISIONS RELATING TO THE CHIEF COMMISSIONER AND COMMISSIONERS—continued.

the case may be, to some office in the service of that prescribed authority, not lower in classification and salary than that which he held, where paragraph (a) applies, immediately before his appointment as Chief Commissioner or, where paragraph (b) applies, immediately before his appointment as a full-time commissioner.

(3) Where a full-time commissioner ceases to be a commissioner, otherwise than pursuant to clause 3 (1) (paragraph (g) excepted), and was, immediately before his appointment as a commissioner, an officer of the Public Service or an officer or employee of a prescribed authority, he shall, if he has not attained the retiring age, be entitled to be appointed to some office in the Public Service or, as the case may be, to some office in the service of that prescribed authority, not lower in classification and salary than that which he held immediately before his appointment as a commissioner.

SCHEDULE 2.

RETIREMENT OF OFFICERS.

1. (1) Every officer of the Commission shall, subject to the Superannuation Act, 1916, be entitled if he desires so to do, having attained the age of 60 years, to retire from the service of the Commission.

(2) Any such officer may, unless called upon to retire as provided in subclause (3) and subject to the Superannuation Act, 1916, continue in the service of the Commission until he attains the age of 65 years.

(3) If any such officer continues in the service of the Commission after he has attained the age of 60 years, he may, at any time before he attains the age of 65 years, be called upon by the Commission to retire, and every such officer so called upon to retire shall retire accordingly.

2. (1) Every officer of the Commission shall, immediately on attaining the age of 65 years, retire from the service of the Commission, unless, notwithstanding his age, he continues in the service of the Commission as provided in subclause (2).

SCHEDULE

Officers between 60 and 65 years of age entitled or may be called upon to retire.

Sec. 9.

Officers on attaining 65 years of age to retire unless called on to continue.

SCHEDULE 2—continued.

RETIREMENT OF OFFICERS—continued.

(2) Where any officer of the Commission has attained the age of 65 years and is willing to continue in the service of the Commission, the Commission may, from time to time, continue to employ that officer for such fixed period not exceeding 12 months as the Commission in each case determines.

SCHEDULE 3.

EXTENDED LEAVE.

1. (1) Subject to this clause, the Chief Commissioner, a full-time absence commissioner or an officer of the Commission shall be entitled of service.

- (a) after 10 years' service, to leave for 2 months on full pay or 4 months on half pay; and
- (b) after service in excess of 10 years, to-
 - (i) leave pursuant to paragraph (a); and
 - (ii) in addition, an amount of leave proportionate to his length of service after 10 years, calculated on the basis of 5 months on full pay, or 10 months on half pay, for 10 years served after service for 10 years.

(2) For the purpose of calculating the entitlement of a person to extended leave under this clause at any time—

- (a) "service" includes service with The Water Conservation and Irrigation Commission, as a Chief Commissioner, a Commissioner or an officer;
- (b) there shall be deducted from the amount of extended leave to which, but for this paragraph, that person would be entitled—
 - (i) any extended leave, or leave in the nature of extended leave; and
 - (ii) the equivalent, in extended leave, of any benefit instead of extended leave or leave in the nature of extended leave,

SCHEDULE

Sec. 10.

Leave of

23

SCHEDULE 3-continued.

EXTENDED LEAVE—continued.

taken or received by that person before that time, including any such leave taken, or benefit received, by that person pursuant to a repealed provision of the Irrigation Act, 1912; and

(c) the provisions of the Transferred Officers Extended Leave Act, 1961, shall have effect,

but nothing in this subclause shall be construed as authorising, in respect of the same period of leave taken or the same benefit received, .01,.092 a deduction under both paragraph (b) and section 3 (7) of the Transferred Officers Extended Leave Act, 1961.

- (3) Where—
- (a) a Chief Commissioner or a full-time commissioner vacates his office under clause 3 (1) (e) of Schedule 1 or under clause 3 (1) (g) of that Schedule on account of illness, incapacity or domestic or other pressing necessity; or
- (b) the services of an officer of the Commission are terminated by the Commission for any reason other than the officer's serious and wilful misconduct or by the officer on account of illness, incapacity or domestic or other pressing necessity,

and that Chief Commissioner, commissioner or officer has had at least 5 years' service as an adult and less than 10 years' service, he shall be entitled for 5 years' service to 1 month's leave on full pay and for service after 5 years to a proportionate amount of leave on full pay calculated on the basis of 3 months' leave for 15 years' service (that service to include service as an adult and otherwise than as an adult).

(4) For the purposes of subclause (3), "service as an adult"-

(a) in the case of an officer of the Commission employed to do any work for which the remuneration has been fixed by an award made under the Commonwealth Conciliation and Arbitration Act 1904, as subsequently amended, or made under the Industrial Arbitration Act, 1940, or has been fixed by an industrial agreement made pursuant to or registered under either of those Acts—means the period of service during which the remuneration applicable to the officer was at a rate not lower than the lowest rate fixed under the award or industrial agreement for an adult male or adult female in the same trade, classification or calling as the officer; or

SCHEDULE 3—continued.

EXTENDED LEAVE—continued.

- (b) in the case of a Chief Commissioner or a full-time commissioner, or of an officer of the Commission employed to do any work for which the remuneration has not been fixed by an award or industrial agreement referred to in paragraph (a)—means the period of service during which that Chief Commissioner, commissioner or officer was not less than 21 years of age.
- (5) For the purposes of subclause (1), "service" includes-
- (a) any period of leave without pay taken before the commencement of the Public Service and Other Statutory Bodies (Extended Leave) Amendment Act, 1963, while holding appointment as a commissioner or an officer of The Water Conservation and Irrigation Commission; and
- (b) in the case of a Chief Commissioner or a full-time commissioner, or an officer of the Commission, who has completed at least 10 years' service (any period of leave without pay taken before that commencement being included therein, and any period of leave without pay taken after that commencement being excluded therefrom)—any period of leave without pay, not exceeding 6 months, taken after that commencement.

(6) For the purposes of subclause (3), "service" does not include any period of leave without pay whether taken before or after the commencement of the Public Service and Other Statutory Bodies (Extended Leave) Amendment Act, 1963.

(7) Where the Chief Commissioner, a full-time commissioner or an officer appointed to the service of the Commission was, immediately before that appointment, an officer of the Public Service or an officer in the employment of the Rural Bank of New South Wales or of any statutory body representing the Crown, his service as an officer of the Public Service or in the employment of that Bank or statutory body shall be deemed to be service with the Commission for the purposes of this clause, but no person shall be entitled to claim benefits under this clause as well as under any other provision of this Act or under any other Act in respect of the same period of service.

2. (1) Where a Chief Commissioner or a full-time commissioner or Payment an officer of the Commission has acquired a right under clause 1 (1) of money to extended leave with pay and dies before commencing it or after value of commencing it dies before its termination—

SCHEDULE.

SCHEDULE taken or completed.

SCHEDULE 3—continued.

EXTENDED LEAVE—continued.

- (a) the widow or widower of that Chief Commissioner, commissioner or officer; or
- (b) if there is no such widow or widower, the children of that Chief Commissioner, commissioner or officer; or
- (c) if there is no such widow, widower or children, the person who, in the opinion of the Commission, was, at the time of the death of that Chief Commissioner, commissioner or officer, a dependent relative of that Chief Commissioner, commissioner or officer,

shall be entitled to receive the money value of the leave not taken, or not completed, computed at the rate of remuneration that that Chief Commissioner, commissioner or officer received at the time of his or her death less any amount paid to that Chief Commissioner, commissioner or officer in respect of the leave not taken, or not completed.

(2) Where a Chief Commissioner or a full-time commissioner, or an officer of the Commission, with at least 5 years' service as an adult and less than 10 years' service as referred to in clause 1 (3) dies—

- (a) the widow or widower of that Chief Commissioner, commissioner or officer; or
- (b) if there is no such widow or widower, the children of that Chief Commissioner, commissioner or officer; or
- (c) if there is no such widow, widower or children, the person who, in the opinion of the Commission, was, at the time of the death of that Chief Commissioner, commissioner or officer, a dependent relative of that Chief Commissioner, commissioner or officer,

shall be entitled to receive the money value of the leave which would have accrued to that Chief Commissioner, commissioner or officer had he vacated office or, as the case may be, had his services terminated as referred to in clause 1 (3), computed at the rate of remuneration that that Chief Commissioner, commissioner or officer received at the time of his death.

(3) Where there is a guardian of any children entitled under subclause (1) or (2), the payment to which those children are entitled may be made to that guardian for their maintenance, education and advancement.

SCHEDULE 3-continued.

EXTENDED LEAVE—continued.

(4) Where there is no person entitled under subclause (1) or (2) to receive the money value of any leave not taken or not completed by a Chief Commissioner or a full-time commissioner or by an officer of the Commission or which would have accrued to a Chief Commissioner or a full-time commissioner or an officer of the Commission, payment in respect thereof shall be made to the personal representatives of that Chief Commissioner, commissioner or officer, as the case may require.

(5) Any payment under this clause shall be in addition to any payment due under the Superannuation Act, 1916.

(6) Where payment of the money value of leave has been made under this Act, no proceedings may be brought against the Crown or the Commission for payment of any amount in respect of that leave.

3. (1) Where a Chief Commissioner or a full-time commissioner Gratuity or an officer of the Commission has acquired a right to extended instead of leave with pay under clause 1 (1) or (3), he shall, on vacating his extended office or, as the case may be, on the termination of his service, be paid forthwith instead of that leave the money value thereof as a gratuity in addition to any gratuity to which he may be otherwise entitled.

(2) Any pension to which that Chief Commissioner, commissioner or officer is entitled under the Superannuation Act, 1916, shall commence from the date on which his extended leave, if taken, would have commenced.

SCHEDULE 4.

Sec. 17.

SAVINGS AND TRANSITIONAL PROVISIONS.

1. (1) The corporation constituted under section 4 is a continua- The Comtion of, and the same legal entity as, the corporation constituted under mission. section 4A of the Irrigation Act, 1912, as in force immediately before the commencement of section 18.

SCHEDULE 4-continued.

SAVINGS AND TRANSITIONAL PROVISIONS—continued.

(2) Subject to this Act, 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 of a different kind, being a reference to, or a reference to be read or construed as a reference to, or to be deemed or taken to refer to. The Water Conservation and Irrigation Commission shall be construed as a reference to the Water Resources Commission.

(3) Subject to this Act, any act, matter or thing done or omitted to be done before the commencement of section 18 by, to or in respect of The Water Conservation and Irrigation Commission shall, to the extent that, but for the enactment of this Act, that act, matter or thing would on or after that commencement have had any force or effect or been in operation, be deemed to have been done or omitted to be done by, to or in respect of the Water Resources Commission.

(4) No attornment to the Water Resources Commission by a lessee from The Water Conservation and Irrigation Commission shall be required.

2. (1) The person holding office as Chief Commissioner under section 4 of the Irrigation Act, 1912. as in force immediately before the commencement of section 18, shall continue in office as if he had been appointed Chief Commissioner under section 4 and he shall, subject to Schedule 1, hold office for the remainder of the period specified in the instrument of his appointment under section 4 of the Irrigation Act, 1912, as so in force.

(2) The persons holding office as Commissioners under section 4 of the Irrigation Act, 1912, as in force immediately before the commencement of section 18, shall continue in office as if they had been appointed full-time commissioners under section 5 and they shall, subject to Schedule 1, hold office for the remainder of the period specified in the instruments of their appointment under section 4 of the Irrigation Act, 1912, as so in force.

Officers and 3. (1) The employment of all persons who, immediately before employees of the commencement of section 18, were employed by The Water Commission. Conservation and Irrigation Commission as officers or as servants or workmen shall continue as if those persons had respectively been appointed by the Commission as officers or as employees in accordance with section 9.

The Chief Commissioner and commissioners.

SCHEDULE 4—continued.

SAVINGS AND TRANSITIONAL PROVISIONS-continued.

- (2) Any person referred to in subclause (1) shall-
- (a) subject to section 9 (6), retain all rights and privileges which, immediately before the commencement of section 18, were accruing or had accrued to him in his capacity as an officer, servant or workman in the service of The Water Conservation and Irrigation Commission as if those rights and privileges had been conferred on him in his capacity as an officer or, as the case may be, an employee of the Commission;
- (b) until subsequently varied by or in accordance with law, be paid remuneration at a rate not lower than that at which he was paid, and be subject to the same conditions of employment as those to which he was subject, immediately before that commencement; and
- (c) owe the same contractual obligations to the Commission as he owed to The Water Conservation and Irrigation Commission immediately before that commencement.

4. Any regulations in force under section 26 (1) (r) of the Irriga-Regulations. tion Act, 1912, as in force immediately before the commencement of section 18, shall be deemed to be regulations made under this Act and every reference in those regulations to a servant shall be construed as if it were a reference to an employee of the Commission.

SCHEDULE 5.

Sec. 18.

AMENDMENTS TO THE IRRIGATION ACT, 1912.

(1) Long title—

Omit "for the appointment of a commissioner and other officers;".

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Water Resources Commission.

SCHEDULE 5—continued.

AMENDMENTS TO THE IRRIGATION ACT, 1912-continued.

(2) Section 1—

Omit the matter relating to Part II, insert instead :---

PART II.—IRRIGATION AREAS—ss. 5G-7C.

(3) (a) Section 3, definition of "Chief Commissioner"-

Omit the definition.

(b) Section 3, definition of "Commission"-

Omit the definition of "The Commission", insert instead :----

"Commission" means the Water Resources Commission constituted under section 4 of the Water Resources Commission Act, 1976.

(c) Section 3, definition of "Commissioner"-

Omit the definition.

(d) Section 3, definition of "Discharged soldier"-

Omit ", as amended by the Returned Soldiers Settlement (Amendment) Act, 1917, and the Returned Soldiers Settlement (Amendment) Act, 1919".

(e) Section 3, definition of "Prescribed"-

Omit the definition.

Water Resources Commission.

SCHEDULE 5—continued.

AMENDMENTS TO THE IRRIGATION ACT, 1912-continued.

(4) Sections 4-5F—

Omit the sections and the heading before section 5.

(5) (a) Section 5G—

Omit ", as amended by subsequent Acts" wherever occurring.

(b) Section 5G—

Omit ", as so amended" wherever occurring.

(c) Section 5G (2) (b), (c), (d), (e)—

Omit "said advisory" wherever occurring, insert instead "advisory".

(d) Section 5G (2) (d) (i)—

Omit "the said", insert instead "that".

(6) (a) Section 6 (1)—

Omit ", or any Act amending the same".

(b) Section 6 (4)—

Omit ", as amended by subsequent Acts".

Water Resources Commission.

SCHEDULE 5-continued.

AMENDMENTS TO THE IRRIGATION ACT, 1912-continued.

(7) (a) Section 6A(1)—

Omit ", and any Acts amending the same".

(b) Section 6A(1)—

Omit "the said" wherever occurring, insert instead "those".

(8) (a) Section 7—

Omit "such Act" wherever occurring, insert instead "that Act".

(b) Section 7 (1) (c)— Omit "said".

(9) Section 8—

Omit the section, insert instead :---

8. The Commission, in addition to the powers, authorities, duties and functions conferred or imposed expressly on it by or under this Act—

(a) shall, subject to this Act and any regulations made under this Act, have control of any irrigation area and any works within or used in connection with any such area; and

SCHEDULE

Powers, authorities, duties and functions of Commission under this Act.

Water Resources Commission.

SCHEDULE 5—continued.

AMENDMENTS TO THE IRRIGATION ACT, 1912—continued.

- (b) may dispose of land in an irrigation area in accordance with the Crown Lands Consolidation Act, 1913.
- (10) Sections 8A, 8C— Omit the sections.

(11) (a) Section 9 (1) (g)—

Omit "fit;", insert instead "fit:".

(b) Section 9 (1) (h) — (d) (1) 9 (c) (2)

Omit the paragraph.

(c) Section 9 (2), (3)—

Omit ", as amended by subsequent Acts" wherever occurring.

(d) Section 9 (2) (b), (c)—

Omit "the said Act as so amended" wherever occurring, insert instead "that Act".

(12) Section 11-

Omit the section.

SCHETAULE

Water Resources Commission.

SCHEDULE 5-continued.

AMENDMENTS TO THE IRRIGATION ACT, 1912-continued.

(13) Section 11D (1A)—

Omit "1932-1939", insert instead "1932".

(14) (a) Section 11G (2)—

Omit "or any Act amending the same".

(b) Section 11G (2)—

Omit "the Irrigation Act, 1912–1946", insert instead "this Act".

(15) Section 111-

Omit ", as amended by subsequent Acts" wherever occurring.

(16) Sections 17B, 17C, 17D—

Omit the sections.

(17) (a) Section 18 (3)—

Omit "as amended by subsequent Acts".

(b) Section 18 (3)—

Omit "Conservation and Irrigation", insert instead "Resources".

Water Resources Commission.

SCHEDULE 5—continued.

AMENDMENTS TO THE IRRIGATION ACT, 1912—continued.

(c) Section 18 (3)—

Omit "said" where firstly occurring.

(d) Section 18 (3)-

Omit "said" where secondly and thirdly occurring, insert instead "those".

(18) Section 191—

Omit "such section", insert instead "section 19H".

(19) (a) Section 20 (1)-

Omit ", or any Act amending the same" wherever occurring.

(b) Section 20 (1)—

Omit "the said", insert instead "those".

(c) Section 20 (1)—

Omit ", and the Acts amending it".

(d) Section 20 (2), (3)—

Omit "the said" wherever occurring, insert instead "that".

SCHEDULE 5-continued.

AMENDMENTS TO THE IRRIGATION ACT, 1912-continued.

(20) Section 20A—

Omit "Secretary", insert instead "Minister".

(21) Section 22—

Omit ", and any Acts amending the same".

(22) (a) Section 22A (2)—

Omit "the provisions of the next preceding subsection, such", insert instead "subsection (1), the".

(b) Section 22A (3), (5)—

Omit "the said" wherever occurring, insert instead "that".

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(23) Section 23A-

Omit the section.

(24) (a) Section 25—

Omit "1912-1936", insert instead "1912".

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Water Resources Commission.

SCHEDULE 5—continued.

AMENDMENTS TO THE IRRIGATION ACT, 1912—continued.

(b) Section 25-

Omit "the said", insert instead "those".

(25) Section 26 (1) (r)—

Omit the paragraph.

(26) Section 28 (2)—

Omit the subsection, insert instead :---

(2) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation made under this Act as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.

(27) Section 30-

Omit "or police magistrate".

Omit the metter relating to Parts 10, TB and 19, Inter just ads-PART 10, -Administration

SCHEDULE

SCHEDULE

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Sec. 19.

SCHEDULE 6.

AMENDMENTS TO OTHER ACTS.

Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Amendment.
54 Vic. No. 7	ingar a negal rect Latio	 Long title— Omit "to vest certain lands in the Council of the Municipality of Wentworth, to enable the said Council to establish", insert instead "to provide for the administration of certain land vested in the Water Resources Commission, to enable the Commission to establish and administer". Section 2— Omit " "Municipalities Act of 1867," or the "Country Towns Water and Sewerage Act of 1880," ", insert instead "Local Government Act, 1919,". Section 4, definition of "Commission"— After the definition of "Commission"— After the definition of "Bank", insert:— "Commission" means the Water Resources Commission Act, 1976. Section 4, definition of "Owner"— Omit "The Water Conservation and Irrigation Commission". Section 4, definition of "Prescribed"— Omit the definition, insert instead:— "Prescribed" means prescribed by this Act or by regulations or by-laws under this Act. Section 4, definition. Section 4, definition of "The Trust"— Omit the matter relating to Parts II, III and IV, insert instead:— PART II.—Administration. Part II, heading— Omit "Constitution of Trust.", insert instead "Administration.".

SCHEDULE 6-continued.

AMENDMENTS TO OTHER ACTS-continued.

Column 1.		Column 2.	
Year and number of Act.	Short title of Act.	Amendment.	
54 Vic., No. 7 —continued.	Wentworth Irrigation Act— continued.	Section 5— Omit the section, insert instead:— Adminis- 5. This Act shall be administration tration tered by the Commission and of Act. shall be read subject to the provisions of the Irrigation Act, 1912, the Water Act, 1912, and the Water Resources Commission Act, 1976. Sections 6-9— Omit the sections. Section 10— Omit the section, insert instead:— Property 10. (1) The following property vested in shall continue to be vested in the the Com- Commission for the purposes of mission. of this Act:— (a) so much of the irrigation area as is vested in the Commission at the commencement of section 19 of the Water Resources Commission Act, 1976, except such land as the Minister may decide to set apart from time to time for public purposes or as may from time to time be resumed or disposed of under this or any other Act; (b) all dams, weirs, flood- gates, culverts, aque-	

SCHEDULE 6-continued.

AMENDMENTS TO OTHER ACTS-continued.

Column 1. mlo		Column 2.	
Year and number of Act.	Short title of Act.	Amendment.	
a b device A rest in A	Irrigation Act— continued.	 (c) the water which is at any time in the lake known as Fletcher's Lake, near Wentworth, or other natural source of water within the irrigation area, or in any pipe, reservoir or other work constructed pursuant to this Act. (2) The property referred to in subsection (1) shall be held and administered by the Commission, subject to the provisions of this Act, but no part of that property shall be sold except with the consent of the Governor. (3) Nothing in this Act shall be constructed as in any way interfering with the right, conferred before the commencement of section 19 of the Water Resources Commission Act, 1976, by any lease from the Crown, of any person to take or use the water in Fletcher's Lake. Part III, heading—Omit the heading. Section 11 (VI)—Omit "by the Trust", insert instead "under this Act by the Commission". Section 11 (VI)—Omit "require the Trust", insert instead "authorize the Commission". Section 11—Omit "authorize the Trust", insert instead "authorize the Commission". 	

SCHEDULE

SCHEDULE 6-continued.

AMENDMENTS TO OTHER ACTS-continued.

Column 1.		Column 2.	
Year and number of Act.	Short title of Act.	Amendment.	bns scoli 1. vennum 1.
54 Vic. No. 7—	Wentworth	Section 17	-T. 0M. M. 19
continued.	Irrigation Act		for the Minister
	-continued.	to direct the Trust at ar	
	commuta.	to employ any engineer	
	医二氏管颈侧下的	may think proper at any	
		time to time.".	time and non
	1	Section 18—	
	No. 1 March 1	Omit the section.	
	5 2 2 2 2 3	Sections 10, 20, 21, 22	
	See the store of the	Sections 19, 20, 21, 22- Omit "Trust" wherever of	
	in integra	Omit Trust wherever of	courring, inser
	1	instead "Commission".	
	a constant intern	Section 22A (1)—	and Indention
		Omit "Water Conservation	and Irrigation
	1. A	Commission (hereinafte	r in this section
	01 - X	referred to as the Comm	nission)", inser
	1	instead "Commission".	
	168 n 11	Sections 23, 24— Omit "Trust" wherever of	
		Omit "Irust" wherever of	ccurring, inser
		instead "Commission".	
		Section 25—	
		Omit "Trust" where firstly o	occurring, inser
		instead "Commission u	nder this Act".
	1:57.	Section 25—	
		Omit "Trust" where second	lly, thirdly and
	- (e)	fourthly occurring, "Commission".	insert instead
		"Commission".	
		Section 26—	
	100	Omit "Trust", insert instead	"Commission"
	1. 18 v	Section 27—	
	A second second second	Omit "Trust" where firstly	, secondly and
	a will atten a	thirdly occurring, insert	instead "Com
		mission".	
		Section 27—	
		Omit "Trust Funds", insert	instead "fund
	1	of the Commission".	
	1. 1. 1. 1.	Sections 28, 29, 30-	
	and the start	Sections 28, 29, 30— Omit "Trust" wherever of	ccurring, inser
		instead "Commission".	
		Section 31 (1)—	
		Omit "Water Conservation a	and Irrigation"
		Section 31 (2) (a)—	-
		Omit "said" wherever occur	rring.
	a section and the section of the		-

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SCHEDULE 6—continued.

AMENDMENTS TO OTHER ACTS—continued.

insert instead:— (1) The Commission may by-laws, not inconsistent his Act, for or with respect matter that, by this Act, uired or permitted to be ibed by by-laws or that ressary or convenient to escribed by by-laws for ng out or giving effect to ct and, in particular, for h respect to—
(1) The Commission may by-laws, not inconsistent his Act, for or with respect / matter that, by this Act, uired or permitted to be ibed by by-laws or that ressary or convenient to escribed by by-laws for ng out or giving effect to .ct and, in particular, for
escribed by by-laws for ng out or giving effect to ct and, in particular, for
 a) the administration and maintenance of the works constructed pursuant to this Act;
b) the manner of fixing the charges for water supplied and the time and manner of their
payments, and the con- ditions on which the water shall be supplied; and
c) the time and manner of payment of the rate fixed by the Com- mission.
(2) A by-law made under tion (1) may impose a y for any contravention failure to comply with, y-law or any other by-law
under that subsection, ceeding \$200. (3) Section 41 of the
retation Act, 1897, applies pect of a by-law made subsection (1) as if this ad been passed after the encement of the Inter-

SCHEDULE 6—continued.

AMENDMENTS TO OTHER ACTS-continued.

Column 1.		Column 2.	
Year and number of Act.	Short title of Act.	Amendment.	
54 Vic. No. 7— continued.	Wentworth Irrigation Act —continued.	Section 33— Omit the section, insert instead:— Regula- 33. (1) The Governor may tions. make regulations, not incon- sistent with this Act, for or with respect to any matter that, by this Act, is required or permitted to be prescribed by regulations or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act, and, in particular, for or with respect to the form of lease to be used under this Act. (2) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969. Part IV— Omit the Part. Section 47 (a)— Omit ", whether such person is acting under the authority of the Trust or of the Minister", insert instead "acting under this Act". Section 47 (d)— Omit "Trust", insert instead "Commission under this Act". Section 47 (e)— Omit "by the Trust" wherever occurring, insert instead "under this Act by the Commission". Section 47— After "two Justices", insert "or a stipendiary magistrate sitting alone". Section 48— Omit "Trust", insert instead "Commission under this Act".	

SCHEDULE 6—continued.

AMENDMENTS TO OTHER ACTS-continued.

Column 1.		Column 2.	
Year and number of Act.	Short title of Act.	Amendment.	
54 Vic. No. 7— continued.	Wentworth Irrigation Act —continued.	Section 48— After "two Justices", insert "or a stipendiary magistrate sitting alone".	
n an an ann an an an an an an an an an a		Section 49— After "two Justices", insert "or a	
ania ina man 10 liananan a 11 lian ana	od ot ord. In	stipendiary magistrate sitting alone". Section 51— Omit the section.	
1902, No. 57	Hay Irrigation Act, 1902.		
Noffe <u>a</u> n' si si si Meliyin ne si s	Act, 1902.	and IV, insert instead:— Part II.—Administration—ss. 6-29.	
impèrité atras sété rés circe	12월 - 목	Section 3— Omit "Municipalities Act. 1897, or the	
udt 15 dt - Nicht Status		Country Towns Water and Sewerage Act of 1880", insert instead "Loca Government Act, 1919,".	
	201984-1 1040-1048-111	Section 5, definition of "Commission"— After the definition of "Bank", insert:—	
	an in the second se Second second second Second second	"Commission" means the Water Resources Commission constituted under section 4 of the Water Resources Commission Act, 1976. Section 5, definition of "Irrigation area"– Omit "trust", insert instead "Commission"	
		Section 5, definition of "Prescribed"— Omit the definition.	
		Section 5, definition of "The trust"— Omit the definition. Part II, heading—	
) 101 - Como Consun Marcelo C	Omit the heading, insert instead:— PART II. Administration.	
	2013 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1	Section 6— Omit the section, insert instead:— Adminis- 6. This Act shall be adminis tration of tered by the Commission and Act. shall be read subject to the	
	Masifici. Production	Act, 1912, the Water Act, 1912 and the Water Resource:	
		Commission Act, 1976.	
		Sections 7–10— Omit the sections.	

SCHEDULS

Water Resources Commission.

SCHEDULE 6—continued.

AMENDMENTS TO OTHER ACTS—continued.

Column 1.		Column 2.		
Year and number of Act.	Short title of Act.		Amendment.	Year and muniper of
1902, No. 57— continued.	- Hay Irrigation Act, 1902— continued.	Property vested in the Commis- sion.	11. (1) The property shall co- vested in the Co- the purposes of thi	ntinue to be nmission for s Act:—
			(a) so muc irrigation vested	area as is
	C. Ensure 1990 1		Commissi commence	on at the
	Robert and Million Robert Direction		section Water	
			Commissi	on Act, 1976, ich land as
	in issummed and		the Mi	nister may
	C. P. C. S. D. Sel			e to time for
	galanine in frank		may fro	
				resumed or of under this
	componentier		(b) all dat	
			flood-gate	ns, weirs, s, culverts, s, sluices,
	u sklar o'r 10'r o'r 10 o'r arain ar 10'r o'r 10'r o'r		engines	numping
			machiner	, reservoirs
	in the second second		constructe	ed or erected
	Parate - Rois		and	to this Act;
	51, 21, 11, 05° a		(c) the water any time reservoir	in any pipe, creek, dam
	Sectories 11.		or other	work con- pursuant to
	Trans Charact		this Act. (2) The	and the second
	tolt or wystill		referred to in su shall be held and	administered
	musi shi shi		by the Commissio the provisions of the	n, subject to

SCHEDULE

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SCHEDULE 6—continued.

AMENDMENTS TO OTHER ACTS—continued.

Column 1.		Column 2.	
Year and number of Act.	Short title of Act.	Amendment.	
1902, No. 57— continued.	Hay Irrigation Act, 1902— continued.		
	O THE TO STATE	 Omit "compensated by the trust", inser instead "compensated by the Commission". Sections 15, 16, 17— Omit "trust" wherever occurring, inser instead "Commission". Section 17A (1) (a)— Omit "the Water Conservation and Irrigation Commission (hereinafter in this section referred to as "the Commission"), insert instead "the 	
	(c) the value any thing is an official or cher this for this for the for the for	Commission". Sections 18, 19, 20, 21, 22, 23 (1), (2), 24- Omit "trust" wherever occurring, inser instead "Commission". Section 23 (4)- Omit "trust funds", insert instead "funds of the Commission".	
		Section 25 (1)— Omit "Water Conservation and Irrigation" Section 25 (2), (3), (4)— Omit "said" wherever occurring. Section 26 (2)— Omit "trust", insert instead "Commission"	

SCHEDULE

Water Resources Commission.

SCHEDULE 6-continued.

AMENDMENTS TO OTHER ACTS-continued.

Column 1.		Column 2.	
Year and number of Act.	Short title Act.	Amendment.	
	Hay Irrigation Act, 1902— continued.	Section 26 (4)— Omit the subsection. Section 27— Omit "trust" wherever occurring, insert instead "Commission". Section 28— Omit the section, insert instead: By-laws. 28. (1) The Commission may make by-laws, not inconsistent with this Act, for or with respect to any matter that, by this Act, is required or per- mitted to be prescribed by by-laws or that is necessary or convenient to be prescribed by by-laws for carrying out or giving effect to this Act and, in particular, for or with respect to— (a) the administration and maintenance of the	
	put to winod	 (b) the conditions on which water shall be supplied; and (c) the mode of levying rates for the supply of 	
		any such water. (2) A by-law made under subsection (1) may impose a penalty for any contravention of, or failure to comply with, that by-law or any other by-law	
	Contraction	made under that subsection, not exceeding \$200. (3) Section 41 of the Interpretation Act, 1897, applies	
	, insert lastead is Active four	Interpretation Act, 1897, applies in respect of a by-law made under subsection (1) as if this Act had been passed after the commencement of the Inter- pretation (Amendment) Act.	

SCHEDULE 6—continued.

AMENDMENTS TO OTHER ACTS—continued.

Column 1.		Column 2. consider	
Year and number of Act.	Short title of Act.	Amendment.	
1902, No. 57— <i>continued.</i> Hay Irrigatior Act, 1902— <i>continued.</i>	Omit the section, insert instead: Regula- tions. 29. (1) The Governor may make regulations, not incon- sistent with this Act, for or with respect to any matter that, by this Act, is required or permitted to be prescribed by regulations or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act. (2) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation as if this Act had been passed after the commencement of the Inter- pretation (Amendment) Act.		
na kangan sa kanga Sary Sary Sary Sary Sary		1969. Part IV— Omit the Part. Section 42 (a)— Omit ", whether such person is acting under the authority of the trust or of the Minister", insert instead "acting under the authority of the Commission	
		under this Act". Section 42 (d)— Omit "trust", insert instead "Commission under this Act". Section 42 (e)— Omit "by the trust" wherever occurring, insert instead "under this Act by the Commission". Section 43— Omit "trust" wherever occurring, insert instead "Commission". Section 44— Omit "trust", insert instead "Commission under this Act". Section 47— Omit the section. Second Schedule—	

SCHEDULE

SCHEDULE 6—continued.

AMENDMENTS TO OTHER ACTS-continued.

Column 1.		Column 2.	
Year and number of Act.	Short title of Act.	Amendment.	
1902, No. 78	Balranald Irrigation Act, 1902.	 Section 1— Omit the matter relating to Parts II, III and IV, insert instead:— PART II.—Administration—ss. 5-35. Section 2 (5)— Omit "Municipalities Act, 1897, or the Country Towns Water and Sewerage Act of 1880", insert instead "Local Government Act, 1919". Section 4, definition of "Commission"— Before the definition of "Domestic use", insert:— "Commission" means the Water Re- sources Commission constituted under section 4 of the Water Resources Com- mission Act, 1976. Section 4, definition of "Prescribed"— Omit the definition. Section 4, definition of "The Trust"— Omit the definition. Section 4, definition of "The Trust"— Omit the definition. Section 5— Omit the section, insert instead:— PART II. Administration. Section 5— Omit the section, insert instead: Adminis- 5. This Act shall be adminis- tration tered by the Commission and of Act. shall be read subject to the provisions of the Irrigation Act, 1912, the Water Act, 1912, and the Water Resources Com- mission Act, 1976. Sections 6—9— Omit the section, insert instead:— Property 10. (1) The following pro- vested in perty shall continue to be vested the Com- in the Commission for the pur- mission. poses of this Act:— (a) so much of the irri- gation area as is vested in the Commission at 	

SCHEDULE 6—continued.

AMENDMENTS TO OTHER ACTS-continued.

Column 1.		Column 2.	
Year and number of Act.	Short title of Act.	Amendment.	
1902, No. 78— continued.	Balranald Irrigation Act, 1902— continued.	 the commencement of section 19 of the Water Resources Commission Act, 1976, except such land as the Minister may decide to set apart from time to time for public purposes or as may from time to time be resumed or disposed of under this or any other Act; (b) all dams, weirs, flood-gates, culverts, aqueducts, sluices, flumes, pipes, engines, pumping machinery, reservoirs and other works constructed or erected pursuant to this Act; and (c) the water which is at any time in any swamp or creek near or within the irrigation area, or in any pipe, reservoir or other work constructed pursuant to this Act. (2) The property referred to in subsection (1) shall be held and administered by the Commission, subject to the provisions of this Act, but no part of the land described in the First Schedule shall be sold except with the consent of the Governor. Part III, heading—Omit the the ding. Section 11 (1)—Omit "Trust" wherever occurring, insert instead "Commission". 	

SCHEDULE

Water Resources Commission.

SCHEDULE 6-continued.

AMENDMENTS TO OTHER ACTS-continued.

Column 1.		Column 2. Column 2.	
Year and number of Act.	Short title of Act.	Amendment.	
hat, by this Act premitted, by by premitted, by by whites or that i any share or by any chart to by any chart to by othis Act; constructed mit constructed mit white Act; constructed mit act of a constructed mit act of a construc- ted of a constructed mit act of a constructed of a constructed with a constructed by the present of a constructed mit act of a	necessary nr. 2 present of all nr out of all Act with respect of with respect of and all (1) he all (6) the and all (6) the (7) the (8) the (8) the (8) the (9) the (9) the (1) the (Omit "by the Trust", insert instead "under this Act by the Commission". Section 11 (2)— Omit "require the Trust", insert instead "require the Commission". Section 11 (2)— Omit "such Trust", insert instead "the Commission". Section 11 (3)— Omit "Trust", insert instead "Commission." Sections 12–15— Omit the sections. Section 16 (2)— Omit the subsection. Sections 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28— Omit "Trust" wherever occurring, insert instead "Commission". Section 29 (1), (2)— Omit "Trust" wherever occurring, insert instead "Commission". Section 29 (4)— Omit "Trust Funds", insert instead "funds of the Commission". Sections 30, 31, 32— Omit "Trust" wherever occurring, insert instead "Commission". Section 30, (1), (3)— Omit "Trust" wherever occurring, insert instead "Commission". 	

SCHEDULE

SCHEDULE 6-continued.

AMENDMENTS TO OTHER ACTS-continued.

Column 1.		Column 2.	
Year and number#of Act.	Short title of Act.	Amendment.	
1902, No. 78— continued.	Balranald Irrigation Act, 1902— continued.	Section 34— Omit the section, insert instead:— By-laws. 34. (1) In addition to the by- laws set out in the Second Schedule, the Commission may	
		make by-laws, not inconsistent with this Act, for or with respect to any matter that, by this Act, is required or permitted to be	
		prescribed by by-laws or that is necessary or convenient to be prescribed by by-laws for carry-	
		ing out or giving effect to this Act and, in particular, for or with respect to—	
		(a) the administration and maintenance of the works constructed pur- suant to this Act;	
		(b) the conditions on which water shall be supplied;	
		(c) the mode of assessing property and levying rates; and	
2. 2.5		(d) the ensuring of bona fide settlement, im- provement and culti- vation of land within	
1. 8 ⁹⁴ - 84		the irrigation area, and all matters relating thereto.	
		(2) A by-law made under subsection (1) may impose a penalty for any contravention	
		of, or failure to comply with, that by-law or any other by-law made under that subsection, not exceeding \$200.	

Water Resources Commission.

SCHEDULE 6-continued.

AMENDMENTS TO OTHER ACTS-continued.

Col	umn 1.	Column 2.
Year and number of Act.	Short title of Act.	Amendment.
1902, No. 78— continued.	Balranald Irrigation Act, 1902— continued.	(3) Section 41 of the In terpretation Act, 1897, applie in respect of a by-law mad under subsection (1) as if thi Act had been passed after th commencement of the Inter pretation (Amendment) Act 1969.
		Section 35— Omit the section, insert instead:— Regula- tions. 35. (1) The Governor may make regulations, not inconsis tent with this Act, for or with respect to any matter that, by this Act, is required or permitted to be prescribed by regulation or that is necessary or con venient to be prescribed fo carrying out or giving effect to this Act, and, in particular, fo or with respect to the form o lease to be used under this Act (2) Section 41 of the In terpretation Act, 1897, applie in respect of a regulation as i this Act had been passed afte the commencement of the Inter pretation (Amendment) Act 1969. Part IV— Omit the Part,
		 Section 49 (a)— Omit ", whether such person is acting under the authority of the Trust or of the Minister", insert instead "acting under the authority of the Commission under this Act". Section 49 (d)— Omit "Trust", insert instead "Commission under this Act". Section 49 (e)— Omit "by the Trust" wherever occurring insert instead "under this Act by the Commission".

SCHEDULE 6-continued.

AMENDMENTS TO OTHER ACTS-continued.

Colu	mn 1. autol	Column 2.
Year and number of Act.	Short title of Act.	Amendment.
1902, No. 78— continued.	Irrigation Act, 1902— continued.	Section 50— Omit "Trust", insert instead "Commission under this Act". Section 53— Omit the section. Second Schedule, heading— Omit "and regulations". Second Schedule— Omit "Trust" wherever occurring, insert instead "Commission".
1912, No. 44	Water Act, 1912.	 Section 4, definition of "Commission"— Before the definition of "Crown lands", insert:— "Commission" means the Water Resources Commission constituted under section 4 of the Water Resources Commission Act, 1976. Section 4, definition of "The Commission"— Omit the definition. Section 30 (2)—
a 41 or 1 o 15 regulation on 1 out of the lost and mentics of a soling under hist or of the first or of the count mode.	Crown Lands Consolidation Act, 1913.	 Omit "Water Conservation and Irrigation". Section 5 (1), definition of "Commission"— After the definition of "Code of 1884– 1912", insert:— "Commission", in relation to an irrigation area, means the Water Resources Commission constituted under section 4 of the Water Resources Commission Act, 1976. Section 5 (1), definition of "The Commission"— Omit the definition. Section 25A (4)— Omit "The Water Conservation and Irrigation Commission", insert instead
1915, No. 8	River Murray Waters Act,	"the Water Resources Commission". Section 13 (2) (a)— Omit "The Water Conservation and Irrigation Commission", insert instead "the Water Resources Commission". Section 13 (2) (b)—
	the rist" whe ar and " under ustion 're	Omit "The Water Conservation and Irrigation Commission", insert instead "the Water Resources Commission".

SCHEDULE

Water Resources Commission.

SCHEDULE 6-continued.

AMENDMENTS TO OTHER ACTS-continued.

Colu	ımn 1.	Column 2.								
Year and number of Act.	Short title of Act.	Amendment.								
1915, No. 8— continued.	Waters Act, 1915— continued.	Irrigation Commission" where lastly occurring, insert instead "the Wate Resources Commission".								
	er (c.alt) bruas	Section 13 (3)— Omit "The Water Conservation and Irrigation Commission" wherever occurring, insert instead "the Water								
	ne de la compañía de	Resources Commission". Section 13 (3)— Omit "servant", insert instead "employee".								
	issel (* 1977) - De statu Strikt (* 1978) Strikt (* 1978)	Section 15— Omit "The Water Conservation and								
	na an a	Irrigation Commission" wherever occurring, insert instead "the Water								
	iaveni en an 19 - Anni minia 1	Resources Commission". Section 16 (a)— Omit "The Water Conservation and								
	e odnigi, de laste de	Irrigation Commission", insert instead "the Water Resources Commission".								
1916, No. 28	Superannuation Act, 1916.	Schedule III— Omit "The Commissioner for Water Conservation and Irrigation", insert instead "The Water Resources Com- mission".								
1941, No. 54	Irrigation (Amendment) Act, 1941.	Section 2, definition of "Commission"— Omit the definition, insert instead:— "Commission" means the Water								
Mar 1 y Tavis	d lane official and the	Resources Commission constituted under section 4 of the Water Resources Commission Act, 1976.								
1944, No. 15	Crown Employees Appeal Board Act, 1944.	Second Schedule— Omit "The Water Conservation and Irrigation Commission", insert instead "The Water Resources Commission".								
1946, No. 22	Farm Water Supplies Act,	Long title— Omit "Conservation and Irrigation", insert								
ei autorine ins.	1946.	instead "Resources". Section 2, definition of "Commission"—								
A in the second second	S. 1973	Omit the definition, insert instead:—								
ter takin jiw	At the second	"Commission" means the Water								
Ref 1 anno 1 1911 1911	NY ANG PARANA Ny INS dia mina	Resources Commission constituted under section 4 of the Water Resources Commission Act, 1976.								

CHEDULE

SCHEDULE 6-continued.

AMENDMENTS TO OTHER ACTS-continued.

Colum	n 1.	Column 2.									
Year and number of Act.	Short title of Act.	Amendment.									
1947, No. 10	New South Wales- Queensland Border Rivers Act, 1947.	Section 4, definition of "Controlling Authority"— Omit "Conservation and Irrigation", insert instead "Resources". Section 14— Omit "Conservation and Irrigation" wherever occurring, insert instead "Resources". Section 20— Omit "Conservation and Irrigation", insert instead "Resources".									
1948, No. 20	Rivers and Foreshores Improvement Act, 1948.	 Section 2, definition of "Commission"— After the definition of "Board", insert:— "Commission" means the Water Resources Commission constituted under section 4 of the Water Resources Commission Act, 1976. Section 2, definition of "Constructing Authority"— From paragraph (b), omit "Water Con- servation and Irrigation". Section 2, definition of "The Commission"— Omit the definition. 									
1956, No. 10	Hunter Valley Flood Miti- gation Act, 1956.										
1957, No. 28	Attachment of Wages Limitation Act, 1957.										
1970, No. 78	Clean Waters Act, 1970.	 Section 5, definition of "statutory authority"— Omit "Conservation and Irrigation", insert instead "Resources". Section 6 (2) (b) (iii)— Omit the subparagraph, insert instead:— (iii) one shall be a representative of the Water Resources Commission nominated by the Minister administering the Water Resources Commission Act, 1976; 									

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Water Resources Commission.

SCHEDULE 6—continued.

AMENDMENTS TO OTHER ACTS-continued.

Colu	ımn 1.	Column 2.										
Year and number of Act.	Short title of Act.	Amendment.										
1970, No. 95	State Pollution Control Commission Act, 1970.	Section 18 (1) (g)— Omit the paragraph, insert instead:— (g) one shall be a representative of the Water Resources Commission nominated by the Minister ad- ministering the Water Resources										
1973, No. 47	Private Irrigation Districts and Water	Commission Act, 1976; Section 4 (1), definition of "Commission"— Omit the definition, insert instead:— "Commission" means the Water Resources Commission constituted										
	(Amendment) Act, 1973.	under section 4 of the Water Resources Commission Act, 1976;										
1973, No. 58	Farm Water Storages and Bores Subsidies Act, 1973.	Section 2 (1), definition of "Commission"— Omit the definition, insert instead:— "Commission" means the Water Resources Commission constituted under section 4 of the Water Resources Commission Act, 1976;										
1976, No. 4	Statutory and Other Offices Remunera-	Schedule 2, Part 1— Omit— Chief Commissioner (under the Irrigation										
	tion Act, 1975.	Act, 1912). Commissioner (under the Irrigation Act 1912), being the Senior Commissioner. Commissioner (under the Irrigation Act, 1912), other than the Senior Commissioner. insert instead:— Chief Commissioner (under the Water Resources Commission Act, 1976). Commissioner (under the Water Resources Commission Act, 1976), being a										

BY AUTHORITY D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES-1976

Water Resources Commission,

SCAEDULE 6 continued.

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Jont Instantino, instit in tead, Commission means the Water Researce Commission constituted nuler section 4 of U.o. Water Resources confusion Act, 1976;

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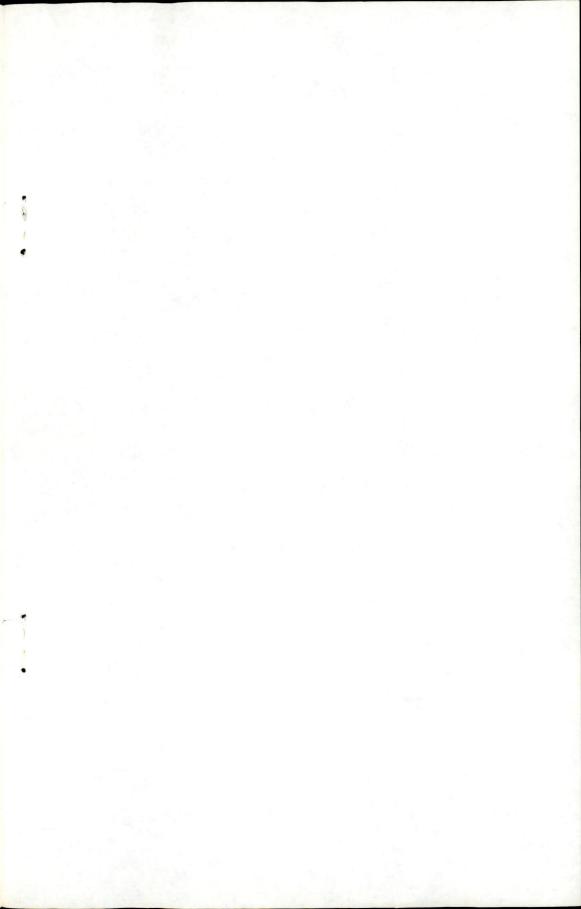
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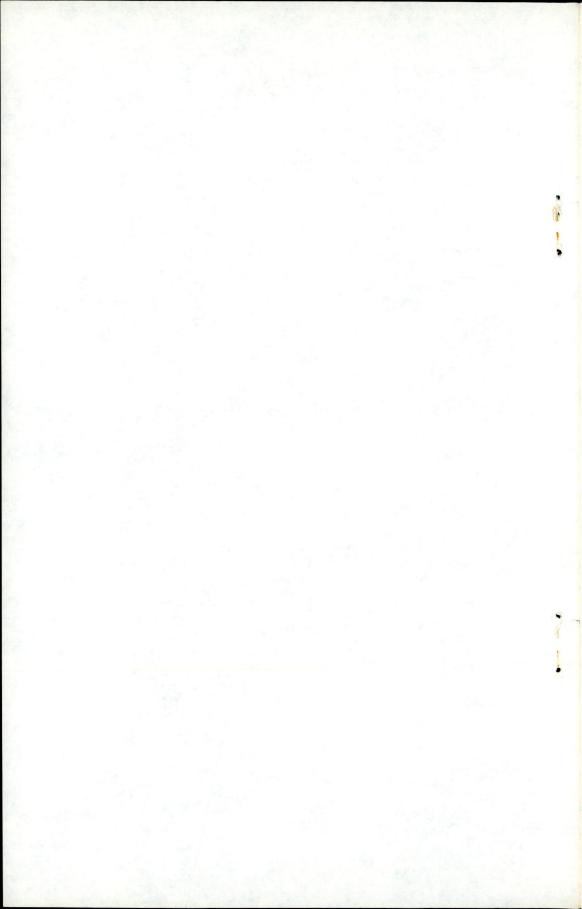
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CEST. GOVERNMENT PRINTER, NEW SOUTH WALES-1976





I certify that this PUBLIC BILL, which originated in the LEGISLA-TIVE 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, 30 March, 1976.



ANNO VICESIMO QUINTO

ELIZABETHÆ II REGINÆ

Act No. 34, 1976.

An Act to reconstitute The Water Conservation and Irrigation Commission as the Water Resources Commission; to confer and impose certain powers, authorities, duties and functions on the Water Resources Commission with respect to the control, management and development of water resources of New South Wales and certain other matters; and to make consequential and other amendments to the Irrigation Act, 1912, and to certain other Acts. [Assented to, 1st April, 1976.]

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.

Water Resources Commission.

 \mathbf{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:—

Short title.

1. This Act may be cited as the "Water Resources Commission Act, 1976".

Commencement.

2. (1) This section and section 1 shall commence on the date of assent to this Act.

(2) Except as provided in subsection (1), the several provisions of this Act shall commence on such day or days as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Interpretation. 3. (1) In this Act, except so far as the context or subjectmatter otherwise indicates or requires—

- "Chief Commissioner" means the person appointed under this Act as the Chief Commissioner;
- "Commission" means the Water Resources Commission constituted under this Act;
- "commissioner" means a person appointed under this Act as a commissioner, but does not include the Chief Commissioner;
- "full-time commissioner" means a commissioner appointed under section 5 (a);
- "part-time commissioner" means a commissioner appointed under section 5 (b);
- "public authority" means any government department, any statutory body representing the Crown, any city, municipal or shire council or county council, or any other body declared under subsection (2) (a) to be a public authority for the purposes of this Act;

"statutory

- "statutory body" means a body declared under subsection (2) (b) to be a statutory body for the purposes of this Act;
- "sub-surface water" means water occurring naturally under the surface of the ground whatever may be the geological structure in which it is standing or moving.

(2) The Minister may, by order published in the Gazette—

- (a) declare any body constituted by or under statute to be a public authority for the purposes of this Act; and
- (b) declare any body constituted by or under statute to be a statutory body for the purposes of this Act.

4. (1) The Governor may, subject to this Act, appoint a Constitution Chief Commissioner who is hereby incorporated as a corpora- of Water tion sole under the corporate name of "Water Resources Commission. Commission".

(2) The Commission—

- (a) has perpetual succession;
- (b) shall have an official seal;
- (c) may take proceedings, and be proceeded against, in its corporate name;
- (d) may, subject to this Act, purchase, exchange, take on lease, hold, dispose of by way of lease or sale, and otherwise deal with property;
- (e) may do and suffer all other things that corporations may, by law, do and suffer and that are necessary for or incidental to the purposes for which it is constituted;

- (f) shall, in the exercise and performance of its powers, authorities, duties and functions under this or any other Act, be subject to the control and direction of the Minister; and
- (g) is, for the purposes of any Act, a statutory body representing the Crown.

(3) The seal of the Commission shall be kept by the Chief Commissioner and shall not be affixed to any instrument or writing except in the presence of the Chief Commissioner or a commissioner or of some other person who is authorised by the Chief Commissioner to affix the seal to the instrument or writing, and the Chief Commissioner or commissioner, or the person so authorised, shall attest by his signature the fact and date of the seal being so affixed.

- (4) All courts and persons acting judicially-
- (a) shall take judicial notice of the seal of the Commission that has been affixed to an instrument or writing; and
- (b) shall, until the contrary is proved, presume that the seal was properly affixed.

Appointment of commissioners.

- 5. The Governor may, subject to this Act, appoint-
 - (a) 2 full-time commissioners; and
 - (b) 2 part-time commissioners,

to assist the Commission in the exercise and performance of its powers, authorities, duties and functions under this or any other Act.

Terms of appointment of Chief Commissioner and commissioners. 6. (1) The Chief Commissioner and a full-time commissioner shall be appointed on the nomination of the Minister and shall, subject to this Act, respectively be appointed for terms, not exceeding 7 years, specified in the instruments of their appointment.

(2)

Water Resources Commission.

(2) A part-time commissioner shall be appointed on the nomination of the Minister and shall, subject to this Act, be appointed for a term, not exceeding 3 years, specified in the instrument of his appointment.

(3) The Public Service Act, 1902, does not apply to or in respect of the appointment of the Chief Commissioner or a commissioner, and the Chief Commissioner and commissioners are not subject to that Act during their terms of office in their respective capacities as Chief Commissioner and commissioner.

(4) A person is not eligible for appointment or reappointment as Chief Commissioner or as a commissioner if he is a person—

- (a) who is a bankrupt or who is applying to take the benefit of any law for the relief of bankrupt or insolvent debtors, or whose debts are subject to a composition with his creditors or whose remuneration or allowances would, on his appointment, be subject to an assignment for their benefit;
- (b) who is a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act;
- (c) who has been convicted of a crime or an offence, whether in New South Wales or elsewhere, and is serving a sentence of imprisonment in respect of that crime or offence; or
- (d) who has-
 - (i) in the case of the Chief Commissioner or a full-time commissioner, attained the age age of 65 years; or

(ii)

5

(ii) in the case of a part-time commissioner, attained the age of 70 years.

(5) Schedule 1 has effect with respect to the Chief Commissioner and the commissioners.

Liability for acts, etc., of Commission. 7. (1) No matter or thing done or omitted, and no contract entered into, by the Commission, and no matter or thing done or omitted by the Chief Commissioner or a commissioner acting in his official capacity or by any other person acting under the direction or as a delegate of the Commission, shall, if the matter or thing was done or omitted, or the contract was entered into, in good faith for the purposes of this Act or any other Act conferring or imposing powers, authorities, duties or functions on the Commission, render the Chief Commissioner, commissioner or person so acting personally liable to any action, liability, claim or demand.

(2) Nothing in subsection (1) exempts the Chief Commissioner or a commissioner, or any person acting under the direction or as a delegate of the Commission, from liability to be surcharged with the amount of any payment which is disallowed by the Auditor-General and which the Chief Commissioner or that commissioner or person, as the case may be, authorised or joined in authorising.

Disposal of money by the Commission.

8. (1) Except where otherwise expressly provided by or under this or any other Act or unless the Treasurer has by instrument in writing directed or authorised money payable to the Commission from a source specified or described in the instrument to be disposed of in some other manner, all money paid or payable to the Commission under this or any other Act shall be collected and received by the Commission on account of, and shall be paid into, the Consolidated Revenue Fund.

Water Resources Commission.

(2) The accounts of the Commission shall be audited by the Auditor-General who shall, in respect thereof, have all the powers conferred on the Auditor-General by any law for the time being in force relating to the audit of public accounts, and the Audit Act, 1902, shall apply to the Commission, the Chief Commissioner, the commissioners and the officers and employees of the Commission in the same manner as it applies to accounting officers of public departments.

9. (1) The Commission may appoint and employ such Appointment officers and employees as are necessary to enable it to exercise and and perform its powers, authorities, duties and functions under employees of this or any other Act.

(2) Every officer and employee of the Commission shall, subject to the terms of his appointment, continue in the service of the Commission at the will of the Commission only.

(3) All officers and employees of the Commission shall be subject to the sole control and governance of the Commission which may, where their remuneration or conditions of employment are not fixed in accordance with the provisions of any other Act or law, fix the salary or wages payable to those officers and employees and the conditions of their employment.

(4) Regulations may be made under section 16 for or with respect to the conditions of employment of persons in the service of the Commission.

(5) The regulations made for the purposes of subsection (4)—

- (a) shall have effect subject to any award by which the Commission is bound made by a court of competent jurisdiction and to any industrial agreement to which the Commission is a party; and
- (b) shall have effect notwithstanding subsection (3).

(1)

(6)

7

Water Resources Commission.

(6) An officer or employee of the Commission shall not, in respect of the same period of service, be entitled to claim a benefit under this Act and under another Act.

(7) Schedule 2 has effect with respect to the retirement of officers of the Commission.

Extended leave.

10. Schedule 3 has effect with respect to the entitlement to extended leave of the Chief Commissioner, the full-time commissioners and the officers of the Commission.

Powers, authorities, duties and functions of

Commission.

11. (1) The Commission shall have and may exercise and perform the powers, authorities, duties and functions conferred or imposed on it by or under this or any other Act, and, in particular, shall have and may exercise and perform the following powers, authorities, duties and functions :---

(a) the making of provision for-

- (i) the systematic gauging and recording of the volume and flow of rivers and streams, and of the volume of lakes and lagoons, within New South Wales and of the effect of climatic conditions on those volumes; and
- (ii) the gathering and recording of such data concerning the sub-surface water resources of New South Wales as the Commission considers to be practicable;
- (b) the collection, collating and interpretation of data concerning the quantity and quality of water resources in lakes, rivers, streams and lagoons and of sub-surface water resources;
- (c) the evaluation of present and future requirements for water in New South Wales;

- (d) the maintenance of a central repository of relevant data on water resources and on the use of those resources;
- (e) the carrying out of research for the purpose of improving the quality of water supplies;
- (f) the carrying out of works to provide for the more extensive use of water resources;
- (g) the investigation, evaluation, implementation and co-ordination of proposals for flood control and flood mitigation;
- (h) the development and management of river catchment areas as sources of water supplies and the co-ordination of—
 - (i) development schemes for river catchment areas; and
 - (ii) the management of river catchment areas;
- (i) the planning of the development of water resources in New South Wales;
- (j) the co-ordination of activities of public authorities with respect to water resources and the review of all proposals and projects of any public authority for the development of water resources;
- (k) the co-ordination and advancement of water policies with Commonwealth and interstate authorities;
- the formulation, co-ordination and implementation of plans for the assessment, conservation, protection, replenishment, utilisation and distribution of the surface and sub-surface water resources of New South Wales;

(m)

- (m) the formulation, co-ordination and implementation of plans for flood control works and the ascertaining of the nature and extent of land likely to be affected by those plans if implemented;
- (n) the carrying out of consultations, and the making of arrangements, with any public authority for the performance or undertaking by that authority of anything within that authority's powers which will affect the quantity or quality of the water resources of New South Wales or the management of those resources for the benefit of the public;
- (o) the carrying out of, or the commissioning of the carrying out of, and the co-ordination of, research into any matter relating to water resources;
- (p) the compilation and publication of information on any matter relating to water resources; and
- (q) the carrying out of such surveys, investigations, boring, drilling and exploration as it considers necessary or desirable to enable it effectively to carry out its powers, authorities, duties and functions under this or any other Act and, in particular, the carrying out of such surveys, investigations, boring, drilling and exploration as it considers necessary or desirable—
 - (i) to ascertain potential sites for works of water storage and water supply and the practicability and cost of constructing those works;
 - (ii) to ascertain the nature and extent of land capable of being supplied with water from any existing or proposed works of water storage or water supply and the means by which that land may be supplied with that water;

(iii)

- (iii) to ascertain the need and potential sites for flood control and flood mitigation works and the practicability and cost of constructing those works;
- (iv) to ascertain the nature and extent of land capable of being protected or partially protected by flood control or flood mitigation works from flooding or inundation;
- (v) to ascertain the existence and location of sub-surface waters and their nature and quality; and
- (vi) to enable the formation, co-ordination and implementation of plans for the assessment, conservation, protection, replenishment, utilisation and distribution of the surface and sub-surface water resources of New South Wales for the benefit of the public.

(2) The Commission may, in the exercise or performance of its powers, authorities, duties and functions under this or any other Act, by its officers, employees or agents enter on any land and do all such things as are required—

(a) for the purpose of—

(i) making and carrying out such inspections, tests, investigations, surveys, experiments, boring, drilling and exploration as are necessary for the full and effective exercise or performance of its powers, authorities, duties and functions under this or any other Act;

(ii)

- (ii) constructing, maintaining, operating or altering any works that it is empowered to construct or operate under this or any other Act; or
- (iii) implementing any proposals or plans referred to in subsection (1); or
- (b) for any other purpose connected with or related to or incidental to the exercise or performance of its powers, authorities, duties and functions under this or any other Act,

notwithstanding that an easement or right to enter the land may not have been granted or acquired.

(3) In the exercise of a power conferred by subsection (2) the Commission shall ensure that no more damage than is necessary in the circumstances is inflicted and shall fully compensate any person who sustains damage in the course of the exercise of that power.

(4) A power conferred by subsection (2) is in addition to any other power relating to entry on to land conferred by or under this or any other Act.

(5) For the purpose of enabling the Commission to exercise or perform the powers, authorities, duties and functions conferred or imposed on the Commission by or under this or any other Act, a public authority shall, on receiving from the Commission a request in writing in that behalf and as far as is practicable having regard to all the circumstances of the matter, carry out such work, render such assistance or provide such information as may be specified in the request and as the authority is empowered by law to carry out, render or provide.

12.

Water Resources Commission.

12. (1) The Commission may establish standing or Appointment special committees or councils for the purposes of assisting or of committees, advising the Commission in the exercise or performance of its etc., and powers, authorities, duties and functions under this or any delegations. other Act and may appoint as a member of any such committee or council any person who, in its opinion, appears to be qualified to be a member of that committee or council.

(2) The Commission shall appoint one of the members of a committee or council established under subsection (1) to be chairman of the committee or council and any such committee or council may, subject to any directions of the Commission, regulate its procedure in such manner as it thinks fit.

(3) The Commission may, by instrument in writing, delegate to any committee or council established under subsection (1), or to a commissioner or to any officer of the Commission, the exercise or performance of such of its powers (other than this power of delegation), authorities, duties and functions as may be specified in the instrument of delegation and may, by a similar instrument, revoke any such delegation either wholly or in part.

(4) A delegation under subsection (3) may be made subject to such conditions or such limitations as to the exercise or performance of any of the powers, authorities, duties or functions that have been delegated, or as to time or circumstance, as may be specified in the instrument of delegation.

(5) A power, authority, duty or function, the exercise or performance of which has been delegated under subsection (3) may, while the delegation remains unrevoked, be exercised or performed by the delegate from time to time in accordance with the terms of the delegation.

(6)

(6) Notwithstanding the making of any delegation under subsection (3), the Commission may continue to exercise or perform all or any of the powers, authorities, duties or functions that have been delegated.

(7) Any act, omission or thing done, omitted or undergone by a delegate while acting pursuant to a delegation made under subsection (3) shall have the same force and effect as if the act, omission or thing had been done, omitted or undergone by the Commission.

Limitation of proceedings.

13. All proceedings against the Commission for anything done or omitted or purporting to have been done or omitted under this Act or under any other Act (whether passed before or after the commencement of this section) which confers or imposes any power, authority, duty or function on the Commission, or in the exercise or performance of any power, authority, duty or function conferred or imposed by any such Act, shall be commenced within 3 years after the act or omission complained of was committed or made.

Notice of proceedings. 14. (1) No proceedings shall be commenced against the Commission or any person for anything done or omitted or purporting to have been done or omitted under this Act or under any other Act (whether passed before or after the commencement of this section) which confers or imposes any power, authority, duty or function on the Commission, or in the exercise or performance of any power, authority, duty or function conferred or imposed by any such Act, until 1 month at least after a notice in writing of the intended proceedings has been delivered to or left at the office of the Commission or person by the party intending to commence those proceedings, or by his attorney or agent.

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(2)

Water Resources Commission.

(2) The notice shall clearly and explicitly state the cause of action and the court in which the proceedings are intended to be brought, and on the back of the notice there shall be endorsed the name and place of residence of the party intending to commence the proceedings and, if the notice was served by an attorney or agent, the name and place of residence of business of that attorney or agent.

(3) A notice under this section shall not be deemed invalid by reason of any defect or inaccuracy therein unless the court before which the proceedings are tried is of opinion that the defendant in the action has been prejudiced in his defence by the defect or inaccuracy.

15. (1) If any irregularity, trespass, or other wrongful Tender of proceeding has been committed in the execution of this Act amends. or of any other Act (whether passed before or after the commencement of this section) which confers or imposes any power, authority, duty or function on the Commission or in the exercise or performance of any power, authority, duty or function conferred or imposed by any such Act, and if, before proceedings are brought in respect thereof, tender of sufficient amends is made to the person injured, that person shall not recover in any such proceedings.

(2) If no such tender has been made, the defendant may, by leave of the court in which the proceedings are pending at any time before issue is joined, pay into court such sum of money as the defendant thinks fit, and thereupon such proceedings shall be had as in other cases where defendants are allowed to pay money into court.

16. (1) The Commission may, with the approval of the Regulations. Governor, make regulations for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying

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Water Resources Commission.

out or giving effect to this Act and, in particular, for or with respect to the control and regulation of officers and employees of the Commission.

(2) Regulations may be made so as to apply differently according to such factors as may be specified in the regulations.

17. Schedule 4 has effect.

Savings and transitional provisions.

Act, 1912.

of

18. The Irrigation Act, 1912, is amended in the manner Amendment set forth in Schedule 5. Irrigation

19. Each Act specified in Column 1 of Schedule 6 is Amendments to other amended in the manner specified opposite that Act in Column Acts. 2 of Schedule 6.

Sec. 6.

SCHEDULE 1.

PROVISIONS RELATING TO THE CHIEF COMMISSIONER AND COMMISSIONERS.

Provisions relating to the Chief Commissioner and to commissioners generally.

1. (1) The Chief Commissioner and a full-time commissioner shall respectively devote the whole of their time to the duties of their office and shall respectively be paid-

(a) remuneration in accordance with the Statutory and Other Offices Remuneration Act, 1975; and

(b) such travelling and subsistence allowances as the Minister may from time to time determine in respect of each of them.

(2) A part-time commissioner shall be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of him.

(3) The Chief Commissioner and a commissioner or a person who has been Chief Commissioner or a commissioner shall, if otherwise qualified, be eligible for re-appointment as the Chief Commissioner or as a commissioner, as the case may be.

SCHEDULE 1-continued.

PROVISIONS RELATING TO THE CHIEF COMMISSIONER AND COMMISSIONERS—continued.

- (4) Any such re-appointment shall be-
- (a) in the case of a re-appointment as Chief Commissioner or as a full-time commissioner, for such term not exceeding 7 years; and
- (b) in the case of a re-appointment as a part-time commissioner, for such term not exceeding 3 years,

as may be specified in the instrument of his re-appointment.

(5) On the occurrence of a vacancy in the office of Chief Commissioner or of a commissioner otherwise than by the expiration of the term for which he was appointed, the Governor may appoint a person to hold office as Chief Commissioner or as a commissioner for the balance of his predecessor's term of office.

(6) A person appointed under subclause (5) shall be appointed on the nomination of the Minister.

2. (1) The Minister may appoint a person, other than a commis- Appointsioner, to act in the office of a full-time commissioner or of a part-time ment of subcommissioner while that commissioner is absent from his office stitutes to act during through illness or other cause or is acting as Chief Commissioner, and absence of the person so appointed shall, while so acting, be deemed to be a Chief Comfull-time commissioner or a part-time commissioner, as the case may missioner be, and have the immunities, powers, authorities, duties and functions missioners. of the commissioner in whose office he is acting.

(2) The Minister may appoint a full-time commissioner to act in the office of the Chief Commissioner while the Chief Commissioner is absent from his office through illness or other cause, and the commissioner so appointed shall, while so acting, be deemed to be the Chief Commissioner and have the immunities, powers, authorities, duties and functions of the Chief Commissioner.

(3) The Minister may, for any cause which to him seems sufficient, remove from office any person appointed under subclause (1) or (2).

SCHEDULE 1—continued.

PROVISIONS RELATING TO THE CHIEF COMMISSIONER AND COMMISSIONERS—continued.

(4) No person shall be concerned to inquire whether or not any occasion has arisen requiring or authorising a person to act in the office of a commissioner or requiring or authorising a commissioner to act in the office of the Chief Commissioner, and all acts or things done or omitted by the person or commissioner while so acting shall be as valid and effectual, and shall have the same consequences, as if they had been done or omitted by the commissioner in whose office the person was appointed to act or by the Chief Commissioner, as the case may be.

Casual vacancy. 3. (1) The Chief Commissioner or a commissioner shall be deemed to have vacated his office—

- (a) if he dies;
- (b) if, being the Chief Commissioner or a full-time commissioner, he engages without the approval of the Governor in any paid employment outside the duties of his office;
- (c) if, being the Chief Commissioner or a full-time commissioner, he absents himself from duty for a period exceeding 14 consecutive days except—
 - (i) on leave granted by the Minister (which leave the Minister is hereby authorised to grant);
 - (ii) through illness or other unavoidable cause; or
 - (iii) pursuant to a right preserved by clause 4;
- (d) if he becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration or allowances as Chief Commissioner or as a commissioner, or of his estate, for their benefit;
- (e) if he becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act;
- (f) if he is convicted in New South Wales of a crime or an offence punishable by imprisonment for 12 months or more, or if he is convicted elsewhere than in New South Wales of a crime or an offence which, if committed in New South Wales, would be a crime or an offence so punishable;

SCHEDULE 1—continued.

PROVISIONS RELATING TO THE CHIEF COMMISSIONER AND COMMISSIONERS—continued.

- (g) if he resigns his office by writing under his hand addressed to the Governor and the Governor accepts the resignation; or
- (h) if he is removed from office by the Governor for misbehaviour or incompetence under subclause (4).

(2) The Chief Commissioner or a full-time commissioner shall be deemed to have vacated his office on the day on which he attains the age of 65 years.

(3) A part-time commissioner shall be deemed to have vacated his office on the day on which he attains the age of 70 years.

(4) The Governor may remove the Chief Commissioner or a commissioner from office on the grounds of misbehaviour or incompetence.

4. (1) In this clause, "superannuation scheme" means a scheme, Preservation fund or arrangement under which any superannuation or retirement benefits are provided and which is established by or under any Act. Chief Com-

Chief Commissioner and com-

(2) Subject to subclause (3) and to the terms of his appoint-missioners. ment, where the Chief Commissioner or a full-time commissioner, immediately before his appointment as such, was—

- (a) an officer of the Public Service;
- (b) a contributor to a superannuation scheme;
- (c) an officer employed by a statutory body; or
- (d) a person in respect of whom provision was made by any Act that he retain any rights accrued or accruing to him as an officer or employee,

he—

(e) shall retain any rights and privileges accrued to him as such an officer, contributor or person;

SCHEDULE 1—continued.

PROVISIONS RELATING TO THE CHIEF COMMISSIONER AND COMMISSIONERS—continued.

- (f) may continue to contribute to any superannuation scheme to which he was a contributor immediately before his appointment as Chief Commissioner or as a commissioner; and
- (g) shall be entitled to receive any deferred or extended leave and any payment, pension or gratuity,

as if he had continued to be such an officer, contributor or person during his service as Chief Commissioner or as a commissioner, as the case may be, and—

- (h) his service as Chief Commissioner or as a commissioner shall be deemed to be service as an officer or employee for the purposes of any law under which those rights accrued or were accruing, under which he continues to contribute or by which that entitlement is conferred; and
- (i) he shall be deemed to be an officer or employee and the Commission shall be deemed to be his employer for the purpose of the superannuation scheme to which he is entitled to contribute under this subclause.
- (3) Where the Chief Commissioner or a commissioner-
- (a) would, but for this subclause, be entitled under subclause
 (2) to contribute to a superannuation scheme, or to receive any payment, pension or gratuity under a superannuation scheme; and
- (b) becomes a contributor to another superannuation scheme (whether on his appointment as Chief Commissioner or as a commissioner or at any later time while he holds office as such),

he ceases to be so entitled and subclause (2) (i) ceases to apply to or in respect of him.

(4) Subclause (3) does not prevent the payment to the Chief Commissioner or to a commissioner, on his ceasing to be a contributor to a superannuation scheme, of such amount as would have been payable to him if he had ceased, by reason of resignation, to be an officer or employee for the purposes of that scheme.

Water Resources Commission.

SCHEDULE 1-continued.

PROVISIONS RELATING TO THE CHIEF COMMISSIONER AND COMMISSIONERS—continued.

(5) Neither the Chief Commissioner nor a commissioner shall, in respect of the same period of service, be entitled to claim a benefit under this Act and another Act.

5. (1) In this clause—

Chief .

"officer or employee of a prescribed authority" does not include sioner and the Chief Commissioner, a commissioner or a member of commisany other statutory body;

Commissioner and commissioners entitled to . re-appointment in former employment in certain

"prescribed authority" means the Commission and any other re-appointstatutory body;

"retiring age" means-

- (a) in relation to a person who was, immediately before his appointment as Chief Commissioner or as a full-time commissioner, an officer of the Public Service—the age of 60 years; and
- (b) in relation to a person who was, immediately before his appointment as Chief Commissioner or as a fulltime commissioner, an officer or employee of a prescribed authority—the age at which officers or employees (being officers or employees of the class to which that person belonged immediately before his appointment as Chief Commissioner or as a commissioner) of that prescribed authority are entitled to retire.

(2) Where the Chief Commissioner ceases to hold office as such, otherwise than pursuant to clause 3 (1) (paragraph (g) excepted), and—

- (a) was, immediately before his appointment as Chief Commissioner; or
- (b) in the case of a Chief Commissioner who, before his appointment as such, held office as a full-time commissioner, was, immediately before his appointment as a full-time commissioner,

an officer of the Public Service or an officer or employee of a prescribed authority, he shall, if he has not attained the retiring age, be entitled to be appointed to some office in the Public Service or, as

SCHEDULE 1-continued.

PROVISIONS RELATING TO THE CHIEF COMMISSIONER AND COMMISSIONERS—continued.

the case may be, to some office in the service of that prescribed authority, not lower in classification and salary than that which he held, where paragraph (a) applies, immediately before his appointment as Chief Commissioner or, where paragraph (b) applies, immediately before his appointment as a full-time commissioner.

(3) Where a full-time commissioner ceases to be a commissioner, otherwise than pursuant to clause 3 (1) (paragraph (g) excepted), and was, immediately before his appointment as a commissioner, an officer of the Public Service or an officer or employee of a prescribed authority, he shall, if he has not attained the retiring age, be entitled to be appointed to some office in the Public Service or, as the case may be, to some office in the service of that prescribed authority, not lower in classification and salary than that which he held immediately before his appointment as a commissioner.

Sec. 9.

SCHEDULE 2.

RETIREMENT OF OFFICERS.

Officers between 60 and 65 years of age entitled or may be called upon to retire.

1. (1) Every officer of the Commission shall, subject to the Superannuation Act, 1916, be entitled if he desires so to do, having attained the age of 60 years, to retire from the service of the Commission.

(2) Any such officer may, unless called upon to retire as provided in subclause (3) and subject to the Superannuation Act, 1916, continue in the service of the Commission until he attains the age of 65 years.

(3) If any such officer continues in the service of the Commission after he has attained the age of 60 years, he may, at any time before he attains the age of 65 years, be called upon by the Commission to retire, and every such officer so called upon to retire shall retire accordingly.

Officers 65 years of age to retire unless called on to continue.

2. (1) Every officer of the Commission shall, immediately on attainon attaining ing the age of 65 years, retire from the service of the Commission, unless, notwithstanding his age, he continues in the service of the Commission as provided in subclause (2).

SCHEDULE 2-continued.

RETIREMENT OF OFFICERS—continued.

(2) Where any officer of the Commission has attained the age of 65 years and is willing to continue in the service of the Commission, the Commission may, from time to time, continue to employ that officer for such fixed period not exceeding 12 months as the Commission in each case determines.

SCHEDULE 3.

EXTENDED LEAVE.

1. (1) Subject to this clause, the Chief Commissioner, a full-time absence commissioner or an officer of the Commission shall be entitled—

(a) after 10 years' service, to leave for 2 months on full pay or 4 months on half pay; and

(b) after service in excess of 10 years, to-

(i) leave pursuant to paragraph (a); and

(ii) in addition, an amount of leave proportionate to his length of service after 10 years, calculated on the basis of 5 months on full pay, or 10 months on half pay, for 10 years served after service for 10 years.

(2) For the purpose of calculating the entitlement of a person to extended leave under this clause at any time—

- (a) "service" includes service with The Water Conservation and Irrigation Commission, as a Chief Commissioner, a Commissioner or an officer;
- (b) there shall be deducted from the amount of extended leave to which, but for this paragraph, that person would be entitled—
 - (i) any extended leave, or leave in the nature of extended leave; and
 - (ii) the equivalent, in extended leave, of any benefit instead of extended leave or leave in the nature of extended leave,

SCHEDULE

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Sec. 10.

Leave of absence after years of service.

SCHEDULE 3—continued.

EXTENDED LEAVE—continued.

taken or received by that person before that time, including any such leave taken, or benefit received, by that person pursuant to a repealed provision of the Irrigation Act, 1912; and

(c) the provisions of the Transferred Officers Extended Leave Act, 1961, shall have effect,

but nothing in this subclause shall be construed as authorising, in respect of the same period of leave taken or the same benefit received, a deduction under both paragraph (b) and section 3 (7) of the Transferred Officers Extended Leave Act, 1961.

- (3) Where-
- (a) a Chief Commissioner or a full-time commissioner vacates his office under clause 3 (1) (e) of Schedule 1 or under clause 3 (1) (g) of that Schedule on account of illness, incapacity or domestic or other pressing necessity; or
- (b) the services of an officer of the Commission are terminated by the Commission for any reason other than the officer's serious and wilful misconduct or by the officer on account of illness, incapacity or domestic or other pressing necessity,

and that Chief Commissioner, commissioner or officer has had at least 5 years' service as an adult and less than 10 years' service, he shall be entitled for 5 years' service to 1 month's leave on full pay and for service after 5 years to a proportionate amount of leave on full pay calculated on the basis of 3 months' leave for 15 years' service (that service to include service as an adult and otherwise than as an adult).

(4) For the purposes of subclause (3), "service as an adult"-

(a) in the case of an officer of the Commission employed to do any work for which the remuneration has been fixed by an award made under the Commonwealth Conciliation and Arbitration Act 1904, as subsequently amended, or made under the Industrial Arbitration Act, 1940, or has been fixed by an industrial agreement made pursuant to or registered under either of those Acts—means the period of service during which the remuneration applicable to the officer was at a rate not lower than the lowest rate fixed under the award or industrial agreement for an adult male or adult female in the same trade, classification or calling as the officer; or

SCHEDULE 3—continued.

EXTENDED LEAVE—continued.

- (b) in the case of a Chief Commissioner or a full-time commissioner, or of an officer of the Commission employed to do any work for which the remuneration has not been fixed by an award or industrial agreement referred to in paragraph (a)—means the period of service during which that Chief Commissioner, commissioner or officer was not less than 21 years of age.
- (5) For the purposes of subclause (1), "service" includes-
- (a) any period of leave without pay taken before the commencement of the Public Service and Other Statutory Bodies (Extended Leave) Amendment Act, 1963, while holding appointment as a commissioner or an officer of The Water Conservation and Irrigation Commission; and
- (b) in the case of a Chief Commissioner or a full-time commissioner, or an officer of the Commission, who has completed at least 10 years' service (any period of leave without pay taken before that commencement being included therein, and any period of leave without pay taken after that commencement being excluded therefrom)—any period of leave without pay, not exceeding 6 months, taken after that commencement.

(6) For the purposes of subclause (3), "service" does not include any period of leave without pay whether taken before or after the commencement of the Public Service and Other Statutory Bodies (Extended Leave) Amendment Act, 1963.

(7) Where the Chief Commissioner, a full-time commissioner or an officer appointed to the service of the Commission was, immediately before that appointment, an officer of the Public Service or an officer in the employment of the Rural Bank of New South Wales or of any statutory body representing the Crown, his service as an officer of the Public Service or in the employment of that Bank or statutory body shall be deemed to be service with the Commission for the purposes of this clause, but no person shall be entitled to claim benefits under this clause as well as under any other provision of this Act or under any other Act in respect of the same period of service.

2. (1) Where a Chief Commissioner or a full-time commissioner or Payment an officer of the Commission has acquired a right under clause 1 (1) of money to extended leave with pay and dies before commencing it or after commencing it dies before its termination— SCHEDULE SCHEDULE

Water Resources Commission.

SCHEDULE 3-continued.

EXTENDED LEAVE—continued.

- (a) the widow or widower of that Chief Commissioner, commissioner or officer; or
- (b) if there is no such widow or widower, the children of that Chief Commissioner, commissioner or officer; or
- (c) if there is no such widow, widower or children, the person who, in the opinion of the Commission, was, at the time of the death of that Chief Commissioner, commissioner or officer, a dependent relative of that Chief Commissioner, commissioner or officer,

shall be entitled to receive the money value of the leave not taken, or not completed, computed at the rate of remuneration that that Chief Commissioner, commissioner or officer received at the time of his or her death less any amount paid to that Chief Commissioner, commissioner or officer in respect of the leave not taken, or not completed.

(2) Where a Chief Commissioner or a full-time commissioner, or an officer of the Commission, with at least 5 years' service as an adult and less than 10 years' service as referred to in clause 1 (3) dies—

- (a) the widow or widower of that Chief Commissioner, commissioner or officer; or
- (b) if there is no such widow or widower, the children of that Chief Commissioner, commissioner or officer; or
- (c) if there is no such widow, widower or children, the person who, in the opinion of the Commission, was, at the time of the death of that Chief Commissioner, commissioner or officer, a dependent relative of that Chief Commissioner, commissioner or officer,

shall be entitled to receive the money value of the leave which would have accrued to that Chief Commissioner, commissioner or officer had he vacated office or, as the case may be, had his services terminated as referred to in clause 1 (3), computed at the rate of remuneration that that Chief Commissioner, commissioner or officer received at the time of his death.

(3) Where there is a guardian of any children entitled under subclause (1) or (2), the payment to which those children are entitled may be made to that guardian for their maintenance, education and advancement.

SCHEDULE 3—continued.

EXTENDED LEAVE—continued.

(4) Where there is no person entitled under subclause (1) or (2) to receive the money value of any leave not taken or not completed by a Chief Commissioner or a full-time commissioner or by an officer of the Commission or which would have accrued to a Chief Commissioner or a full-time commissioner or an officer of the Commission, payment in respect thereof shall be made to the personal representatives of that Chief Commissioner, commissioner or officer, as the case may require.

(5) Any payment under this clause shall be in addition to any payment due under the Superannuation Act, 1916.

(6) Where payment of the money value of leave has been made under this Act, no proceedings may be brought against the Crown or the Commission for payment of any amount in respect of that leave.

3. (1) Where a Chief Commissioner or a full-time commissioner Gratuity or an officer of the Commission has acquired a right to extended instead of leave with pay under clause 1 (1) or (3), he shall, on vacating his extended office or, as the case may be, on the termination of his service, be paid forthwith instead of that leave the money value thereof as a gratuity in addition to any gratuity to which he may be otherwise entitled.

(2) Any pension to which that Chief Commissioner, commissioner or officer is entitled under the Superannuation Act, 1916, shall commence from the date on which his extended leave, if taken, would have commenced.

SCHEDULE 4.

Sec. 17.

SAVINGS AND TRANSITIONAL PROVISIONS.

1. (1) The corporation constituted under section 4 is a continua- The Comtion of, and the same legal entity as, the corporation constituted under mission. section 4A of the Irrigation Act, 1912, as in force immediately before the commencement of section 18.

SCHEDULE 4-continued.

SAVINGS AND TRANSITIONAL PROVISIONS—continued.

(2) Subject to this Act, 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 of a different kind, being a reference to, or a reference to be read or construed as a reference to, or to be deemed or taken to refer to, The Water Conservation and Irrigation Commission shall be construed as a reference to the Water Resources Commission.

(3) Subject to this Act, any act, matter or thing done or omitted to be done before the commencement of section 18 by, to or in respect of The Water Conservation and Irrigation Commission shall, to the extent that, but for the enactment of this Act, that act, matter or thing would on or after that commencement have had any force or effect or been in operation, be deemed to have been done or omitted to be done by, to or in respect of the Water Resources Commission.

(4) No attornment to the Water Resources Commission by a lessee from The Water Conservation and Irrigation Commission shall be required.

The Chief Commissioner and commissioners.

2. (1) The person holding office as Chief Commissioner under section 4 of the Irrigation Act, 1912, as in force immediately before the commencement of section 18, shall continue in office as if he had been appointed Chief Commissioner under section 4 and he shall, subject to Schedule 1, hold office for the remainder of the period specified in the instrument of his appointment under section 4 of the Irrigation Act, 1912, as so in force.

(2) The persons holding office as Commissioners under section 4 of the Irrigation Act, 1912, as in force immediately before the commencement of section 18, shall continue in office as if they had been appointed full-time commissioners under section 5 and they shall, subject to Schedule 1, hold office for the remainder of the period specified in the instruments of their appointment under section 4 of the Irrigation Act, 1912, as so in force.

Officers and

3. (1) The employment of all persons who, immediately before employees of the commencement of section 18, were employed by The Water Commission. Conservation and Irrigation Commission as officers or as servants or workmen shall continue as if those persons had respectively been appointed by the Commission as officers or as employees in accordance with section 9.

SCHEDULE 4—continued.

SAVINGS AND TRANSITIONAL PROVISIONS—continued.

- (2) Any person referred to in subclause (1) shall-
- (a) subject to section 9 (6), retain all rights and privileges which, immediately before the commencement of section 18, were accruing or had accrued to him in his capacity as an officer, servant or workman in the service of The Water Conservation and Irrigation Commission as if those rights and privileges had been conferred on him in his capacity as an officer or, as the case may be, an employee of the Commission;
- (b) until subsequently varied by or in accordance with law, be paid remuneration at a rate not lower than that at which he was paid, and be subject to the same conditions of employment as those to which he was subject, immediately before that commencement; and
- (c) owe the same contractual obligations to the Commission as he owed to The Water Conservation and Irrigation Commission immediately before that commencement.

4. Any regulations in force under section 26 (1) (r) of the Irriga-Regulations. tion Act, 1912, as in force immediately before the commencement of section 18, shall be deemed to be regulations made under this Act and every reference in those regulations to a servant shall be construed as if it were a reference to an employee of the Commission.

SCHEDULE 5.

Sec. 18.

AMENDMENTS TO THE IRRIGATION ACT, 1912.

(1) Long title—

Omit "for the appointment of a commissioner and other officers;".

SCHEDULE 5—continued.

AMENDMENTS TO THE IRRIGATION ACT, 1912-continued.

(2) Section 1—

Omit the matter relating to Part II, insert instead :---

PART II.—IRRIGATION AREAS—ss. 5G-7C.

(3) (a) Section 3, definition of "Chief Commissioner"-

Omit the definition.

(b) Section 3, definition of "Commission"-

Omit the definition of "The Commission", insert instead :----

"Commission" means the Water Resources Commission constituted under section 4 of the Water Resources Commission Act, 1976.

(c) Section 3, definition of "Commissioner"—

Omit the definition.

(d) Section 3, definition of "Discharged soldier"-

Omit ", as amended by the Returned Soldiers Settlement (Amendment) Act, 1917, and the Returned Soldiers Settlement (Amendment) Act, 1919".

(e) Section 3, definition of "Prescribed"—

Omit the definition.

Water Resources Commission.

SCHEDULE 5-continued.

AMENDMENTS TO THE IRRIGATION ACT, 1912-continued.

(4) Sections 4–5F—

Omit the sections and the heading before section 5.

(5) (a) Section 5G—

Omit ", as amended by subsequent Acts" wherever occurring.

(b) Section 5G-

Omit ", as so amended" wherever occurring.

(c) Section 5G (2) (b), (c), (d), (e)—

Omit "said advisory" wherever occurring, insert instead "advisory".

(d) Section 5G (2) (d) (i)—

Omit "the said", insert instead "that".

(6) (a) Section 6 (1)-

Omit ", or any Act amending the same".

(b) Section 6 (4)—

Omit ", as amended by subsequent Acts".

SCHEDULE

SCHEDULE 5-continued.

AMENDMENTS TO THE IRRIGATION ACT, 1912-continued.

(7) (a) Section 6A(1)—

Omit ", and any Acts amending the same".

(b) Section 6A(1)—

Omit "the said" wherever occurring, insert instead "those".

(8) (a) Section 7-

Omit "such Act" wherever occurring, insert instead "that Act".

(b) Section 7 (1) (c)—

Omit "said".

(9) Section 8—

Omit the section, insert instead :---

Powers, authorities, duties and functions of Commission under this Act. 8. The Commission, in addition to the powers, authorities, duties and functions conferred or imposed expressly on it by or under this Act—

(a) shall, subject to this Act and any regulations made under this Act, have control of any irrigation area and any works within or used in connection with any such area; and

Water Resources Commission.

SCHEDULE 5-continued.

AMENDMENTS TO THE IRRIGATION ACT, 1912-continued.

- (b) may dispose of land in an irrigation area in accordance with the Crown Lands Consolidation Act, 1913.
- (10) Sections 8A, 8c-

Omit the sections.

(11) (a) Section 9 (1) (g)-

Omit "fit;", insert instead "fit :".

(b) Section 9 (1) (h)-

Omit the paragraph.

(c) Section 9 (2), (3)—

Omit ", as amended by subsequent Acts" wherever occurring.

(d) Section 9 (2) (b), (c)—

Omit "the said Act as so amended" wherever occurring, insert instead "that Act".

(12) Section 11-

Omit the section.

Water Resources Commission.

SCHEDULE 5-continued.

AMENDMENTS TO THE IRRIGATION ACT, 1912-continued.

(13) Section 11D (1A)—

Omit "1932-1939", insert instead "1932".

(14) (a) Section 11G (2)—

Omit "or any Act amending the same".

(b) Section 11G (2)-

Omit "the Irrigation Act, 1912–1946", insert instead "this Act".

(15) Section 111-

Omit ", as amended by subsequent Acts" wherever occurring.

(16) Sections 17B, 17C, 17D-

Omit the sections.

(17) (a) Section 18 (3)-

Omit "as amended by subsequent Acts".

(b) Section 18 (3)—

Omit "Conservation and Irrigation", insert instead "Resources".

Water Resources Commission.

SCHEDULE 5-continued.

AMENDMENTS TO THE IRRIGATION ACT, 1912-continued.

(c) Section 18 (3)-

Omit "said" where firstly occurring.

(d) Section 18 (3)-

Omit "said" where secondly and thirdly occurring, insert instead "those".

(18) Section 191-

Omit "such section", insert instead "section 19H".

(19) (a) Section 20 (1)-

Omit ", or any Act amending the same" wherever occurring.

(b) Section 20 (1)-

Omit "the said", insert instead "those".

(c) Section 20 (1)—

Omit ", and the Acts amending it".

(d) Section 20 (2), (3)-

Omit "the said" wherever occurring, insert instead "that".

SCHEDULE

Water Resources Commission.

SCHEDULE 5-continued.

AMENDMENTS TO THE IRRIGATION ACT, 1912-continued.

(20) Section 20A-

Omit "Secretary", insert instead "Minister".

(21) Section 22-

Omit ", and any Acts amending the same".

(22) (a) Section 22A (2)—

Omit "the provisions of the next preceding subsection, such", insert instead "subsection (1), the".

(b) Section 22A (3), (5)—

Omit "the said" wherever occurring, insert instead "that".

(23) Section 23A—

Omit the section.

(24) (a) Section 25—

Omit "1912-1936", insert instead "1912".

Water Resources Commission.

SCHEDULE 5-continued.

AMENDMENTS TO THE IRRIGATION ACT, 1912-continued.

(b) Section 25-

Omit "the said", insert instead "those".

(25) Section 26 (1) (r)—

Omit the paragraph.

(26) Section 28 (2)-

Omit the subsection, insert instead :---

(2) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation made under this Act as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.

(27) Section 30-

Omit "or police magistrate".

SCHEDULE

Sec. 19.

SCHEDULE 6.

AMENDMENTS TO OTHER ACTS.

Column 1.		Column 2.	
Year and number of Act.	Short title of Act.	Amendment.	
54 Vic. No. 7	Wentworth Irrigation Act.	 Long title— Omit "to vest certain lands in the Council of the Municipality of Wentworth, to enable the said Council to establish", insert instead "to provide for the administration of certain land vested in the Water Resources Commission, to enable the Commission to establish and administer". Section 2— Omit " "Municipalities Act of 1867," or the "Country Towns Water and Sewerage Act of 1880," ", insert instead "Local Government Act, 1919,". Section 4, definition of "Commission"— After the definition of "Bank", insert:— "Commission" means the Water Re- sources Commission constituted under section 4 of the Water Resources Commission Act, 1976. Section 4, definition of "Owner"— Omit "The Water Conservation and Irri- gation Commission". Section 4, definition of "Prescribed"— Omit the definition, insert instead:— "Prescribed" means prescribed by this Act or by regulations or by-laws under this Act. Section 4, definition. Section 4— Omit the definition. Section 4— Omit the matter relating to Parts II, III and IV, insert instead:— PART II.—Administration. Part II, heading— Omit "Constitution of Trust.", inser instead "Administration.". 	

Water Resources Commission.

SCHEDULE 6-continued.

AMENDMENTS TO OTHER ACTS-continued.

Column 1.		Column 2.	
Year and number of Act.	Short title of Act.	Amendment.	
54 Vic., No. 7 —continued.	Irrigation Act— continued.	Section 5— Omit the section, insert instead:— Adminis- 5. This Act shall be adminis- tration tered by the Commission and of Act. shall be read subject to the provisions of the Irrigation Act, 1912, the Water Act, 1912, and the Water Resources Com- mission Act, 1976. Sections 6-9— Omit the section, insert instead:— Property 10. (1) The following property vested in shall continue to be vested in the the Com- commission for the purposes of mission. of this Act:— (a) so much of the irri- gation area as is vested in the Commission at the commencement of section 19 of the Water Resources Commission Act, 1976, except such land as the Minister may decide to set apart from time to time for public purposes or as may from time to time be resumed or disposed of under this or any other Act; (b) all dams, weirs, flood- gates, culverts, aque- ducts, sluices, flumes, pipes, engines, pump- ing machinery, reser- voirs and other works constructed or erected pursuant to this Act; and	

SCHEDULE

SCHEDULE

Water Resources Commission.

SCHEDULE 6-continued.

AMENDMENTS TO OTHER ACTS-continued.

Column 1.		Column 2.	
Year and number of Act.	Short title of Act.	Amendment.	
54 Vic., No. 7 —continued.	Wentworth Irrigation Act— continued.	 (c) the water which is at any time in the lake known as Fletcher's Lake, near Wentworth, or other natural source of water within the irrigation area, or in any pipe, reservoir or other work constructed pursuant to this Act. (2) The property referred to in subsection (1) shall be held and administered by the Commission, subject to the provisions of this Act, but no part of that property shall be sold except with the consent of the Governor. (3) Nothing in this Act shall be construced as in any way interfering with the right, conferred before the commencement of section 19 of the Water Resources Commission Act 	
the to set up at the to set up at and to think up a mail or discovery and or discovery the set of the set of the set of the set of the set of the set of the set of the set of the set of the set of the set of t	a brini ab yan G manil alidar	 1976, by any lease from the Crown, of any person to take or use the water in Fletcher's Lake. Part III, heading—Omit the heading. Section 11—Omit "Trust" where firstly occurring, inser instead "Commission". Section 11 (VI)—Omit "by the Trust", insert instead "under this Act by the Commission". Section 11 (VI)—Omit "require the Trust", insert instead "require the Commission". Section 11—Omit "require the Trust", insert instead "authorize the Trust", insert instead "under this Act by the Commission". Section 11 (VI)—Omit "require the Trust", insert instead "authorize the Commission". Section 11—Omit "authorize the Trust", insert instead "authorize the Commission". Sections 12–16—Omit the sections. 	

SCHEDULT.

SCHEDULE 6—continued.

AMENDMENTS TO OTHER ACTS-continued.

Column 1.		Column 2.	
Year and number of Act.	Short title of Act.	Amendment.	
54 Vic. No. 7— continued.	Wentworth Irrigation Act —continued.	 to direct the Trust at any time to cease to employ any engineer or surveyor he may think proper at any time and from time to time.". Section 18— Omit the section. Sections 19, 20, 21, 22— Omit "Trust" wherever occurring, insert instead "Commission". Section 22A (1)— Omit "Water Conservation and Irrigation Commission (hereinafter in this section referred to as the Commission)", insert instead "Commission". Sections 23, 24— Omit "Trust" wherever occurring, insert instead "Commission". Section 25— Omit "Trust" where firstly occurring, insert instead "Commission under this Act". Section 25— Omit "Trust" where secondly, thirdly and fourthly occurring, insert instead "Commission". 	
		 Omit "Trust", insert instead "Commission". Section 27— Omit "Trust" where firstly, secondly and thirdly occurring, insert instead "Commission". Section 27— Omit "Trust Funds", insert instead "funds of the Commission". Sections 28, 29, 30— Omit "Trust" wherever occurring, insert instead "Commission". Sections 28, 29, 30— Omit "Trust" wherever occurring, insert instead "Commission". Section 31 (1)— Omit "Water Conservation and Irrigation". Section 31 (2) (a)— Omit "said" wherever occurring. 	

SCHEDGLE

SCHEDULE

SCHEDULE 6-continued.

AMENDMENTS TO OTHER ACTS-continued.

Column 1.		Column 2.	
Year and number of Act.	Short title of Act.	Amendment.	
in this seef of si-sion?", insert contine, insert contine, insert alog this net" by it fully and by it fully and by it fully and contine instead fusicad "Con- fusicad "Con- contine insert anotine insert	"Construction)	 Section 32— Omit the section, insert instead :— By-laws. 32. (1) The Commission may make by-laws, not inconsisten with this Act, for or with respec to any matter that, by this Act is required or permitted to be prescribed by by-laws or tha is necessary or convenient to be prescribed by by-laws for carrying out or giving effect to this Act and, in particular, for or with respect to— (a) the administration and maintenance of the works constructed pursuant to this Act; (b) the manner of fixing the charges for water supplied and the time and manner of thein payments, and the com- ditions on which the water shall be supplied; and (c) the time and manner of payment of the rate fixed by the Com- mission. (2) A by-law made under subsection (1) may impose a penalty for any contraventior of, or failure to comply with that by-law or any other by-law made under that subsection not exceeding \$200. (3) Section 41 of the Interpretation Act, 1897, applies in respect of a by-law made under subsection (1) as if this Act had been passed after the commencement of the Inter- pretation (Amendment) Act 1969. 	

SCHEDULE

SUGHEN

SCHEDULE 6-continued.

AMENDMENTS TO OTHER ACTS-continued.

Column 1.		Column 2.	
Year and number of Act.	Short title of Act.	Amendment.	
54 Vic. No. 7— continued.	Wentworth Irrigation Act —continued.	Section 33— Omit the section, insert instead:— Regula- tions. 33. (1) The Governor may make regulations, not incon- sistent with this Act, for or	
an a		with respect to any matter that, by this Act, is required or permitted to be prescribed by regulations or that is necessary	
a Lue II, 11 5. 6 =	i definite à la ann 1 Iachtra d'Anna de 1 Iachtra d'Anna de Iachtra 1	or convenient to be prescribed for carrying out or giving effect to this Act, and, in particular, for or with respect to the form of lease to be used under this	
	and Western Constraints The Second Se	Act. (2) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation as if	
	e (* 15 milians miljak i star miljak i star	this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.	
Auri, ini a ann ann ann ann ann ann		Part IV— Omit the Part. Section 47 (a)— Omit ", whether such person is acting	
		under the authority of the Trust or of the Minister", insert instead "acting under the authority of the Commission under this Act".	
	a an an an an Argan An an an an Argan	Section 47 (d)— Omit "Trust", insert instead "Commission under this Act". Section 47 (e)—	
	ing the second stability is not as a first second stability is not a second second stability is not a second secon	Omit "by the Trust" wherever occurring, insert instead "under this Act by the Commission". Section 47—	
		After "two Justices", insert "or a stipendiary magistrate sitting alone". Section 48— Omit "Trust", insert instead "Commission	

SCHEDULE 6-continued.

AMENDMENTS TO OTHER ACTS-continued.

Column 1.		Column 2.	
Year and number of Act.	Short title of Act.	Amendment.	
54 Vic. No. 7— continued.	Wentworth Irrigation Act —continued.	Section 48— After "two Justices", insert "or a stipendiary magistrate sitting alone". Section 49—	
1902, No. 57	Hay Irrigation		
a na prese unce lar similar clased la in particular, lan sa the barr	Act, 1902.	Omit the matter relating to Parts II, III and IV, insert instead:— Part II.—Administration—ss. 6-29.	
eidt asbon f da arti lo fil a	at Jane G hal Arts Change C Sector	Section 3— Omit "Municipalities Act, 1897, or the Country Towns Water and Sewerage Act of 1880", insert instead "Local	
adigan "shi ng ti shi chushingit ngih dasada ng	h panarrajata 10 honocertai el bal colonido	Government Act, 1919,". Section 5, definition of "Commission"— After the definition of "Bank", insert:—	
ant: 19 resem (in and over 7.)		"Commission" means the Water Resources Commission constituted under section 4 of the Water Resources Commission Act, 1976.	
anitas al norm	n alcon a tada	Section 5, definition of "Irrigation area"— Omit "trust", insert instead "Commission". Section 5, definition of "Prescribed"—	
ante de l'ante de la constant ante de la constante de la constante ante de la constante de la constante de la constante de la constante de la ante de la constante de la cons ante de la constante de la cons ante de la constante de la const ante de la constante de la const ante de la constante de la const ante de la constante de la const ante de la constante de la const ante de la constante de la		Omit the definition. Section 5, definition of "The trust"— Omit the definition. Part II, heading—	
national (* 1	hina in second and a second and a Second and a second a	Omit the heading, insert instead:- PART II. Administration.	
ever exemine. Net by the	aller Transford Aller Transford Markin Person Markin	Section 6— Omit the section, insert instead:— Adminis- 6. This Act shall be adminis- tration of tered by the Commission and	
in a the second s	And Parises	Act. shall be read subject to the provisions of the Irrigation Act, 1912, the Water Act, 1912,	
noistin too'D" it	t the second if it the second se	and the Water Resources Commission Act, 1976. Sections 7-10- Omit the sections.	

SCHEDUP B

Water Resources Commission.

SCHEDULE 6—continued.

AMENDMENTS TO OTHER ACTS-continued.

Column 1.		Column 2.	
Year and number of Act.	Short title of Act.		Amendment.
1902, No. 57— continued.	Hay Irrigation Act, 1902— continued.	Property vested in the Commis- sion.	11. (1) The following property shall continue to be vested in the Commission for the purposes of this Act:—
	a de la constante de la consta		(a) so much of the irrigation area as is
	Lagrand Lamon		vested in the Commission at the commencement of
			section 19 of the Water Resources Commission Act, 1976.
	Canada San and		except such land as the Minister may
	bestati mere 1		decide to set apar from time to time for public purposes or as
	spirate and the second s		may from time to time be resumed on disposed of under this
			or any other Act; (b) all dams, weirs flood-gates, culverts aqueducts, sluices
			flumes, pipes engines, pumping- machinery, reservoirs
			and other works constructed or erected pursuant to this Act
in an	hiser (and (c) the water which is at
di (Se al) i Periot amini a			any time in any pipe, reservoir, creek, dam or other work con- structed pursuant to
inter a second	Rough Colored .		this Act. (2) The property referred to in subsection (1)
and the local barry			shall be held and administered by the Commission, subject to the provisions of this Act.

CONTRACTOR I

SCHEDULE 6-continued.

AMENDMENTS TO OTHER ACTS-continued.

Column 1.		Column 2.	
Year and number of Act.	Short title of Act.	Amendment.	
1902, No. 57— continued.	Hay Irrigation Act, 1902— continued.	Alteration 12. The Governor may, by of Second notice published in the Gazette Schedule. amend the Second Schedule by altering the boundaries described in that Schedule.	
ndi ba dari	(n) +so (n)	Part III, heading—	
80 15318 17	idiagioni in reighte	Omit the heading.	
ab ai	- Coursy - Part	Section 13 (1)-	
ssion - ut - th	Contan Contan	Omit "trust", insert instead "Commission"	
o light of	onne oo	Section 13 (2)—	
4. 10 91	cupilities and a second	Omit "by the trust", insert instead "under	
Resource	THE WORK	this Act by the Commission".	
ston Act. 1976		Section 13 (2)—	
such land a	adeoxe	Omit "require the trust", insert instead	
sou - roteini k	Uno I	"require the Commission".	
ingle iss of	abiosb	Section 13 (3)—	
a sant a sat	N 01031	Omit "trust", insert instead "Commission"	
	public	Section 14—	
rom time n c restance o	l ynn L smi'	Omit "trust in pursuance of this Act"	
all rehard to	storazib	insert instead "Commission".	
tax rai lo		Section 14—	
PRIME PRIME	teres in the second second	Omit "compensated by the trust", inser	
stradus son	and water	instead "compensated by the Com- mission".	
ts, staices	alantas	Sections 15 16 17_	
"stid	(Particular)	Sections 15, 16, 17- Omit "trust" wherever occurring, inser	
unnum .	estrain au	instead "Commission".	
nest restriction	bidours 11	Section 17A (1) (a)—	
dign India	d - bry Tana	Omit "the Water Conservation and	
istosis no listo	in the other	Irrigation Commission (hereinafter in	
to A sint at 1	NUTSUET	this section referred to as "the	
1	to base of the second	Commission")", insert instead "the	
n i dainw w	rya and Cal	Commission".	
o la uny pipe	ng yan	Commission". Sections 18, 19, 20, 21, 22, 23 (1), (2), 24– Omit "trust" wherever occurring, inser	
neb "Jeana "r	10561	Omit "trust" wherever occurring, inser	
and show re	nio re	instead "Commission".	
bittennatio.	ADDOUGH CONTRACT	Section 23 (4)—	
And the second second	and the second	Omit "trust funds", insert instead "fund	
as property	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	of the Commission".	
	an Education of Hards	Section 25 (1)—	
a rosiduz .au	pinnents is ve	Omit "Water Conservation and Irrigation"	
ACC - ACC	to such a solo and	Section 25 (2), (3), (4)— Omit "said" wherever occurring.	
	in the second second	Section 26 (2)—	
and the second strength on the	and the second second	Omit "trust", insert instead "Commission"	
		onne trust, insert insteau Commission	

SCHEDULE

Water Resources Commission.

SCHEDULE 6—continued.

AMENDMENTS TO OTHER ACTS-continued.

Column 1.		Column 2.	
Year and number of Act.	Short title Act.	Amendment.	
1902, No. 57— continued.		Section 26 (4)— Omit the subsection. Section 27— Omit "trust" wherever occurring, insert instead "Commission". Section 28— Omit the section, insert instead: By-laws. 28. (1) The Commission may make by-laws, not inconsistent with this Act, for or with respect to any matter that, by this Act, is required or per- mitted to be prescribed by by-laws or that is necessary on convenient to be prescribed by by-laws for carrying out on giving effect to this Act and in particular, for or with respect to— (a) the administration and maintenance of the works constructed pursuant to this Act. (b) the conditions on which water shall be supplied; and (c) the mode of levying rates for the supply of any such water. (2) A by-law made under subsection (1) may impose a penalty for any contravention of, or failure to comply with that by-law or any other by-law made under that subsection not exceeding \$200. (3) Section 41 of the Interpretation Act, 1897, applies in respect of a by-law made under subsection (1) as if this Act had been passed after the commencement of the Inter- pretation (Amendment) Act, 1969.	

H.R.F.B.LOZ

Water Resources Commission.

SCHEDULE 6—continued.

AMENDMENTS TO OTHER ACTS-continued.

Column 1.		Column 2.	
Year and number of Act.	Short title of Act.	Amendment.	
1902, No. 57— continued.	Hay Irrigation Act, 1902— continued.	Section 29— Omit the section, insert instead: Regula- 29. (1) The Governor may tions. make regulations, not incon sistent with this Act, for or with respect to any matter that	
	an epseni nolity Port C(1) - 85	by this Act, is required or permitted to be prescribed by regulations or that is necessary	
ing an	AUE OF SECTOR	or convenient to be prescribed for carrying out or giving effect to this Act.	
president of	set of bottim	(2) Section 41 of the Interpretation Act, 1897, applies	
d badinger in a	COLUCTION TO L	in respect of a regulation as it this Act had been passed after	
and the second se	printe offert h h puriodae, fo	the commencement of the Inter- pretation (Amendment) Act 1969.	
an columbia	in all (a)	Part IV— Omit the Part.	
als to soriera Later milas		Section 42 (a)— Omit ", whether such person is acting under	
na sultan m manadance na linka taasa hari linka taasa	philing 1961 (3) Idolida Idolida	the authority of the trust or of the Minister", insert instead "acting under the authority of the Commission	
galiyyal ha sha ay dhaqo yada ya	n odt (u) Leuier	under this Act". Section 42 (d)— Omit "trust", insert instead "Commission under this Act"	
ruberer oberen werd	75 A (E)	Section 42 (e)—	
and an interview of a second se	Porcity for an	Omit "by the trust" wherever occurring insert instead "under this Act by the Commission".	
nd-gi tokao ju noimenina jud	Quar by-law or l	Section 43— Omit "trust" wherever occurring, inser	
181 0 141 10 10	n ros (c) Navi (c)	instead "Commission".	
ontran Australia Area web-da	n countration a	Omit "trust", insert instead "Commission under this Act".	
all tons barrend	and had toos	Section 47— Omit the section.	
oralista (institute)	ny) tonggad	Second Schedule— Omit "Water Conservation and Irrigation"	

SCHEDLY

SCHEDULE 6-continued.

AMENDMENTS TO OTHER ACTS—continued.

Column 1.		Column 2.	
Year and number of Act.	Short title of Act.	Amendment.	
1902, No. 78	Balranald Irrigation Act, 1902.	Section 1— Omit the matter relating to Parts II, III and IV, insert instead:— PART II.—Administration—ss. 5-35. Section 2 (5)— Omit "Municipalities Act, 1897, or the Country Towns Water and Sewerage Act of 1880", insert instead "Local Government Act, 1919". Section 4, definition of "Commission"— Before the definition of "Domestic use", insert:— "Commission" means the Water Re- sources Commission constituted under section 4 of the Water Resources Com- mission Act, 1976. Section 4, definition of "Prescribed"— Omit the definition. Section 4, definition of "The Trust"— Omit the definition. Section 4, definition of "The Trust"— Omit the definition. Section 5— Omit the section, insert instead:— PART II. Administration. Section 5— Omit the section, insert instead: Adminis- 5. This Act shall be adminis- tration tered by the Commission and of Act. shall be read subject to the provisions of the Irrigation Act, 1912, the Water Act, 1912, and the Water Resources Com- mission Act, 1976. Sections 6–9— Omit the section, insert instead:— Property 10. (1) The following pro- vested in perty shall continue to be vested the Com- in the Commission for the pur- mission. poses of this Act:— (a) so much of the irri- gation area as is vested in the Commission at	

SCHEDULE 6—continued.

AMENDMENTS TO OTHER ACTS—continued.

Column 1.		Column 2.	
Year and number of Act.	Short title of Act.	Amendment.	
1902, No. 78— continued.	Balranald Irrigation Act, 1902 continued.	the commencement of section 19 of the Water Resources Commission Act, 1976, except such land as the Minister may decide to set apart from time to time for public purposes or as may from time to time be resumed or disposed of under this or any other Act; (b) all dams, weirs, flood- gates, culverts, aque- ducts, sluices, flumes, pipes, engines, pump- ing machinery, reser- voirs and other works constructed or erected pursuant to this Act; and (c) the water which is at any time in any swamp or creek near or within the irrigation area, or in any pipe, reservoir or other work con- structed pursuant to this Act. (2) The property referred to in subsection (1) shall be held and administered by the Com- mission, subject to the pro- visions of this Act, but no part of the land described in the First Schedule shall be sold except with the consent of the Governor. Part III, heading— Omit the heading. Section 11 (1)— Omit "Trust" wherever occurring, insert instead "Commission".	

SCHEDULE 6—continued.

AMENDMENTS TO OTHER ACTS-continued.

Column 1.		Column 2.	
Year and number of Act.	Short title of Act.	Amendment.	
1902, No. 78— continued.	Balranald Irrigation Act, 1902— continued.	 Section 11 (1)— Omit "at any time after submitting to the Minister a general plan and description of the scheme and obtaining his sanction for the same". Section 11 (2)— Omit "by the Trust", insert instead "undet this Act by the Commission". Section 11 (2)— Omit "require the Trust", insert instead "the Commission". Section 11 (2)— Omit "such Trust", insert instead "the Commission". Section 11 (2)— Omit "such Trust", insert instead "the Commission". Section 11 (3)— Omit "Trust", insert instead "Commission." Section 11 (3)— Omit "Trust", insert instead "Commission." Section 16 (2)— Omit the subsection. Section 16 (2)— Omit the subsection. Section 17— Omit the subsection. Sections 18, 19, 20, 21, 22, 23, 24, 25, 26, 27 28— Omit "Trust" wherever occurring, insert instead "Commission". Section 29 (1), (2)— Omit "Trust" wherever occurring, insert instead "Commission". Section 30, 31, 32— Omit "Trust" wherever occurring, insert instead "Commission". Section 33 (1), (3)— Omit "Trust" wherever occurring, insert instead "Commission". Section 33 (1), (3)— Omit "Trust" wherever occurring, insert instead "Commission". Section 33 (1), (3)— Omit "Trust" wherever occurring, insert instead "Commission". Section 33 (1), (3)— Omit "Trust" where firstly occurring, insert instead "Commission". Section 33 (4)— Omit "Trust" where secondly occurring insert instead "Commission". Section 33 (4)— Omit "Trust" where secondly occurring insert instead "Commission". 	

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SCHEDULE 6—continued.

AMENDMENTS TO OTHER ACTS-continued.

Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Amendment.
1902, No. 78— continued.	Balranald Irrigation Act, 1902— continued.	Section 34— Omit the section, insert instead:— By-laws. 34. (1) In addition to the by- laws set out in the Second Schedule, the Commission may make by-laws, not inconsistent with this Act, for or with respect to any matter that, by this Act, is required or permitted to be prescribed by by-laws or that is necessary or convenient to be prescribed by by-laws for carry- ing out or giving effect to this Act and, in particular, for or with respect to— (a) the administration and maintenance of the works constructed pur- suant to this Act; (b) the conditions on which water shall be supplied; (c) the mode of assessing property and levying rates; and (d) the ensuring of bona fide settlement, im- provement and culti- vation of land within the irrigation area, and all matters relating thereto. (2) A by-law made under subsection (1) may impose a penalty for any contravention of, or failure to comply with, that by-law or any other by-law made under that subsection, not exceeding \$200.

SCHEDULE

SCHEDULE 6-continued.

AMENDMENTS TO OTHER ACTS-continued.

Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Amendment.
1902, No. 78— continued.	Balranald Irrigation Act, 1902— continued.	(3) Section 41 of the In- terpretation Act, 1897, applies in respect of a by-law made under subsection (1) as if this Act had been passed after the commencement of the Inter- pretation (Amendment) Act, 1969.
		Section 35—
	12 A. A	Omit the section, insert instead:-
		Regula- tions. 35. (1) The Governor may make regulations, not inconsis-
		tent with this Act, for or with
	The second second	respect to any matter that, by this Act, is required or permitted
	1.1.1.1.1.1.1.1	to be prescribed by regulations
		or that is necessary or con- venient to be prescribed for carrying out or giving effect to
		this Act, and, in particular, for or with respect to the form of lease to be used under this Act (2) Section 41 of the In-
		terpretation Act, 1897, applies in respect of a regulation as in this Act had been passed after the commencement of the Inter-
	2	pretation (Amendment) Act
	indu. Tana ing	1969. Part IV— Omit the Part. Section 49 (a)—
		Omit ", whether such person is acting under
		the authority of the Trust or of the
	Charles C. C.	Minister", insert instead "acting under the authority of the Commission under this Act".
		Section 49 (d)-
		Omit "Trust", insert instead "Commission under this Act".
	1 a	Section 49 (e)— Omit "by the Trust" wherever occurring
		insert instead "under this Act by the Commission".

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SCHEDULE 6—continued.

AMENDMENTS TO OTHER ACTS—continued.

Column 1.		Column 2.	
Year and number of Act.	Short title of Act.	Amendment.	
1902, No. 78— continued.	Balranald Irrigation Act, 1902— continued.	Section 50— Omit "Trust", insert instead "Commission under this Act". Section 53— Omit the section. Second Schedule, heading— Omit "and regulations". Second Schedule— Omit "Trust" wherever occurring, insert instead "Commission".	
1912, No. 44 1913, No. 7	1912.	 Section 4, definition of "Commission"— Before the definition of "Crown lands", insert:— "Commission" means the Water Resources Commission constituted under section 4 of the Water Resources Commission Act, 1976. Section 4, definition of "The Commission"— Omit the definition. Section 30 (2)— Omit "Water Conservation and Irrigation". Section 5 (1) definition of "Commission"— 	
	Act, 1913.	After the definition of "Code of 1884– 1912", insert:— "Commission", in relation to an irri- gation area, means the Water Resources Commission constituted under section 4 of the Water Resources Commission Act, 1976. Section 5 (1), definition of "The Com- mission"— Omit the definition. Section 25A (4)—	
1915, No. 8	River Murray Waters Act, 1915.	 Omit "The Water Conservation and Irrigation Commission", insert instead "the Water Resources Commission". Section 13 (2) (a)— Omit "The Water Conservation and Irrigation Commission", insert instead "the Water Resources Commission". Section 13 (2) (b)— Omit "The Water Conservation and Irrigation Commission", insert instead "the Water Resources Commission". 	

SCHEDULE

Water Resources Commission.

SCHEDULE 6-continued.

AMENDMENTS TO OTHER ACTS—continued.

Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Amendment.
1915, No. 8– continued.	River Murray Waters Act, 1915— continued.	Omit "The Water Conservation and Irrigation Commission" where lastly occurring, insert instead "the Water Resources Commission".
	10 10 11 11 11 11 11 11 11 11 11 11 11 1	Section 13 (3)— Omit "The Water Conservation and Irrigation Commission" wherever occurring, insert instead "the Water Resources Commission".
		Section 13 (3)— Omit "servant", insert instead "employee". Section 15— Omit "The Water Conservation and
	ennenn (* 1990) Sennen Litertode Sin Litertode Transverse	Irrigation Commission" wherever occurring, insert instead "the Water Resources Commission". Section 16 (a)—
	The Instance	Omit "The Water Conservation and Irrigation Commission", insert instead "the Water Resources Commission".
1916, No. 28	Superannuation Act, 1916.	
1941, No. 54	Irrigation (Amendment) Act, 1941.	Section 2, definition of "Commission"-
	nini and and an initial	under section 4 of the Water Resources Commission Act, 1976.
1944, No. 15	Crown Employees Appeal Board Act, 1944.	Second Schedule— Omit "The Water Conservation and Irrigation Commission", insert instead "The Water Resources Commission".
1946, No. 22	Farm Water Supplies Act, 1946.	

STATISTICS TO A

Water Resources Commission.

SCHEDULE 6-continued.

AMENDMENTS TO OTHER ACTS-continued.

Column 1.		Column 2.	
Year and number of Act.	Short title of Act.	Amendment.	
1947, No. 10	New South Wales- Queensland Border Rivers Act, 1947.	Section 4, definition of "Controlling Authority"— Omit "Conservation and Irrigation", insert instead "Resources". Section 14— Omit "Conservation and Irrigation" wherever occurring, insert instead "Resources". Section 20— Omit "Conservation and Irrigation", insert	
1948, No. 20	Rivers and Foreshores Improvement Act, 1948.	instead "Resources". Section 2, definition of "Commission"— After the definition of "Board", insert:— "Commission" means the Water Resources Commission constituted under section 4 of the Water Resources Commission Act, 1976. Section 2, definition of "Constructing Authority"— From paragraph (b), omit "Water Con-	
1956, No. 10	Hunter Valley Flood Miti- gation Act, 1956.	servation and Irrigation". Section 2, definition of "The Commission"— Omit the definition. Section 2 (1), definition of "Commission"— Omit the definition, insert instead:— "Commission" means the Water Resources Commission constituted under section 4 of the Water Resources Commission Act, 1976.	
1957, No. 28	Attachment of Wages Limitation Act, 1957.		
1970, No. 78		 Section 5, definition of "statutory authority"— Omit "Conservation and Irrigation", insert instead "Resources". Section 6 (2) (b) (iii)— Omit the subparagraph, insert instead:— (iii) one shall be a representative of the Water Resources Commission nominated by the Minister administering the Water Resources Commission Act, 1976; 	

Water Resources Commission.

SCHEDULE 6—continued.

AMENDMENTS TO OTHER ACTS—continued.

Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Amendment.
1970, No. 95	State Pollution Control Commission Act, 1970.	Section 18 (1) (g)— Omit the paragraph, insert instead:— (g) one shall be a representative of the Water Resources Commission nominated by the Minister ad- ministering the Water Resources Commission Act, 1976;
1973, No. 47	Private Irrigation Districts and Water (Amendment) Act, 1973.	Section 4 (1), definition of "Commission"— Omit the definition, insert instead:— "Commission" means the Water Resources Commission constituted
1973, No. 58	Farm Water Storages and Bores Subsidies Act, 1973.	Section 2 (1), definition of "Commission"— Omit the definition, insert instead:— "Commission" means the Water Resources Commission constituted under section 4 of the Water Resources Commission Act, 1976;
1976, No. 4	Statutory and Other Offices Remunera- tion Act, 1975.	Schedule 2, Part 1—

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

A. R. CUTLER, Governor.

Government House, Sydney, 1st April, 1976.

