

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.*

New South Wales



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.

BE

Water Resources Commission.

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

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

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

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.

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

"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);

30 "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;

5 “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—

- 10 (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 Chief Commissioner who is hereby incorporated as a corporation sole under the corporate name of “Water Resources 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;
- 25 (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
- 30 constituted;

(f)

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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

5 (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.

15 (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

20 (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,

Appoint-
ment of
commis-
sioners.

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 commissioner shall be appointed on the nomination of the Minister and shall, subject to this Act, respectively be appointed for
30 terms, not exceeding 7 years, specified in the instruments of their appointment.

Terms of
appoint-
ment of
Chief
Commis-
sioner and
commis-
sioners.

(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.

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 re-appointment as Chief Commissioner or as a commissioner if he is a person—

15 (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;

20 (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;

25 (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—

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

(ii)

Water Resources Commission.

(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 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
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.

Liability
for acts,
etc., of
Commis-
sion.

(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
25 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
30 other Act shall be collected and received by the Commission on account of, and shall be paid into, the Consolidated Revenue Fund.

Disposal
of money
by the
Commission.

(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 Commisisoner, 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
10 officers and employees as are necessary to enable it to exercise and perform its powers, authorities, duties and functions under this or any other Act.

Appointment
of officers
and
employees
of
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 conditions of employment are not fixed in accordance with the
20 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)—

30 (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).

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.

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.

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—

15 (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

20 (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;

25 (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)

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- (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 catchment 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;
- 20 (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;
- 25 (k) the co-ordination and advancement of water policies with Commonwealth and interstate authorities;
- 30 (l) 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)

Water Resources Commission.

- (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;
- 5 (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
10 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;
- 15 (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
20 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—
25 (i) to ascertain potential sites for works of water storage and water supply and the practicability and cost of constructing those works;
- 30 (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)

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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;
- 5 (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;
- 10 (v) to ascertain the existence and location of sub-surface waters and their nature and quality; and
- 15 (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—

- 25 (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)

Water Resources Commission.

- (ii) constructing, maintaining, operating or altering any works that it is empowered to construct or operate under this or any other Act; or
- 5 (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
- 10 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
15 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
20 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 special committees or councils for the purposes of assisting or advising the Commission in the exercise or performance of its powers, authorities, duties and functions under this or any 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.

Appointment
of com-
mittees,
etc., and
delegations.

(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)

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(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 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.

Limitation
of
proceedings.

20 **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.

Notice
of
proceedings.

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
5 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
10 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 proceeding has been committed in the execution of this Act
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
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

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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 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 set forth in Schedule 5.

Amendment of Irrigation Act, 1912.

10 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.

Amendments to other Acts.

SCHEDULE 1.

Sec. 6.

15 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—

Provisions relating to the Chief Commissioner and to commissioners generally.

20 (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.

25 (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

*Water Resources Commission.*SCHEDULE 1—*continued.*PROVISIONS RELATING TO THE CHIEF COMMISSIONER AND
COMMISSIONERS—*continued.*

(4) Any such re-appointment shall be—

5 (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
15 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-
sioner, to act in the office of a full-time commissioner or of a part-time
20 commissioner while that commissioner is absent from his office
through illness or other cause or is acting as Chief Commissioner, and
the person so appointed shall, while so acting, be deemed to be a
full-time commissioner or a part-time commissioner, as the case may
be, and have the immunities, powers, authorities, duties and functions
25 of the commissioner in whose office he is acting.

Appoint-
ment of sub-
stitutes to
act during
absence of
Chief Com-
missioner
and com-
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).

*Water Resources Commission.*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 deemed to have vacated his office— **Casual
vacancy.**

- 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;
- 20 (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
- 25 (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
30 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

Water Resources Commission.

SCHEDULE 1—*continued.*

PROVISIONS RELATING TO THE CHIEF COMMISSIONER AND
COMMISSIONERS—*continued.*

- 5 (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, fund or arrangement under which any superannuation or retirement benefits are provided and which is established by or under any Act.

Preservation of certain rights of Chief Commissioner and commissioners.

(2) Subject to subclause (3) and to the terms of his appointment, 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
- 25 (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
30 an officer, contributor or person;

SCHEDULE

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SCHEDULE 1—*continued.*

PROVISIONS RELATING TO THE CHIEF COMMISSIONER AND
COMMISSIONERS—*continued.*

- 5 (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—
- 15 (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
- 20 (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—
- 25 (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
- 30 (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—

10 “officer or employee of a prescribed authority” does not include the Chief Commissioner, a commissioner or a member of any other statutory body;

“prescribed authority” means the Commission and any other statutory body;

“retiring age” means—

15 (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

20 (b) in relation to a person who was, immediately before his appointment as Chief Commissioner or as a full-time 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—

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

35 (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

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

Water Resources Commission.

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.

10 (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
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 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.

Officers between 60 and 65 years of age entitled or may be called upon to retire.

25 (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.

30 (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.

35 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).

Officers on attaining 65 years of age to retire unless called on to continue.

SCHEDULE

Water Resources Commission.

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.

Sec. 10.

EXTENDED LEAVE.

- 10 1. (1) Subject to this clause, the Chief Commissioner, a full-time commissioner or an officer of the Commission shall be entitled— **Leave of 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—
 - 15 (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;
 - 25 (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
 - 30 (ii) the equivalent, in extended leave, of any benefit instead of extended leave or leave in the nature of extended leave,

SCHEDULE

Water Resources Commission.

SCHEDULE 3—*continued.*

EXTENDED LEAVE—*continued.*

5 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,

10 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—

15 (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

20 (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 35 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 40 female in the same trade, classification or calling as the officer; or

SCHEDULE

Water Resources Commission.

SCHEDULE 3—*continued.*

EXTENDED LEAVE—*continued.*

5 (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

15 (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.

20 (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.

25 (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.

30 2. (1) Where a Chief Commissioner or a full-time commissioner or an officer of the Commission has acquired a right under clause 1 (1) to extended leave with pay and dies before commencing it or after commencing it dies before its termination—

Payment of money value of leave not taken or completed.

SCHEDULE

Water Resources Commission.

SCHEDULE 3—*continued.*

EXTENDED LEAVE—*continued.*

- (a) the widow or widower of that Chief Commissioner, commissioner or officer; or
- 5 (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,
- 10

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 adult and less than 10 years' service as referred to in clause 1 (3) dies—

20

- (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
- 25 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,
- 30

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.

Water Resources Commission.

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 or an officer of the Commission has acquired a right to extended leave with pay under clause 1 (1) or (3), he shall, on vacating his 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 continuation of, and the same legal entity as, the corporation constituted under section 4A of the Irrigation Act, 1912, as in force immediately before the commencement of section 18.

SCHEDULE

*Water Resources Commission.*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. **The Chief Commissioner and commissioners.**
- (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.
3. (1) The employment of all persons who, immediately before the commencement of section 18, were employed by The Water 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. **Officers and employees of Commission.**

SCHEDULE

Water Resources Commission.

SCHEDULE 4—*continued.*

SAVINGS AND TRANSITIONAL PROVISIONS—*continued.*

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

5 (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;

15 (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 Irrigation 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.

25

AMENDMENTS TO THE IRRIGATION ACT, 1912.

(1) Long title—

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

SCHEDULE

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 :—

5 PART II.—IRRIGATION AREAS—*ss. 5G-7C.*

(3) (a) Section 3, definition of “Chief Commissioner”—

Omit the definition.

(b) Section 3, definition of “Commission”—

10 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.

15 (c) Section 3, definition of “Commissioner”—

Omit the definition.

(d) Section 3, definition of “Discharged soldier”—

20 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

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 (5) (a) Section 5G—

Omit “, as amended by subsequent Acts”
wherever occurring.

(b) Section 5G—

Omit “, as so amended” wherever occurring.

10 (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

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”.

5 (b) Section 6A (1)—

Omit “the said” wherever occurring, insert instead “those”.

(8) (a) Section 7—

10 Omit “such Act” wherever occurring, insert instead “that Act”.

(b) Section 7 (1) (c)—

Omit “said”.

(9) Section 8—

Omit the section, insert instead :—

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

Powers, 21 authorities, duties and functions of Commission under this Act.

20 (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.

- 5 (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.

- 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.

Water Resources Commission.

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 11I—

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

Water Resources Commission.

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 19I—

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

Water Resources Commission.

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

Water Resources Commission.

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 :—

10

(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”.

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.
5	Year and number of Act.	Amendment.
10	54 Vic. No. 7	Wentworth Irrigation Act.
15		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		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 Resources Commission constituted under section 4 of the Water Resources Commission Act, 1976.
30		Section 4, definition of "Owner"— Omit "The Water Conservation and Irrigation 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:— PART II.—Administration.
45		Part II, heading— Omit "Constitution of Trust.", insert instead "Administration."

*Water Resources Commission.*SCHEDULE 6—*continued.*AMENDMENTS TO OTHER ACTS—*continued.*

Column 1.		Column 2.
5	Year and number of Act.	Amendment.
10	54 Vic., No. 7 — <i>continued.</i>	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.
15		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 mission. of this Act:—
25		(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;
30		(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
35		
40		
45		

*Water Resources Commission.*SCHEDULE 6—*continued.*AMENDMENTS TO OTHER ACTS—*continued.*

Column 1.		Column 2.
5	Year and number of Act.	Short title of Act.
5	Year and number of Act.	Amendment.
10	54 Vic., No. 7 — <i>continued.</i>	Wentworth Irrigation Act— <i>continued.</i>
15		(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.
20		(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.
25		(3) Nothing in this Act shall be construed 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.
30		Part III, heading— Omit the heading.
35		Section 11— Omit "Trust" where firstly occurring, insert instead "Commission".
40		Section 11 (VI)— Omit "by the Trust", insert instead "under this Act by the Commission".
45		Section 11 (VI)— Omit "require the Trust", insert instead "require the Commission".
50		Section 11— Omit "authorize the Trust", insert instead "authorize the Commission".
		Sections 12-16— Omit the sections.

SCHEDULE

*Water Resources Commission.*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— <i>continued.</i>	Wentworth Irrigation Act— <i>continued.</i>
15		Section 17— Omit "And it shall be lawful for the Minister 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."
20		Section 18— Omit the section. Sections 19, 20, 21, 22— Omit "Trust" wherever occurring, insert instead "Commission".
25		Section 22A (1)— Omit "Water Conservation and Irrigation Commission (hereinafter in this section referred to as the Commission)", insert instead "Commission".
30		Sections 23, 24— Omit "Trust" wherever occurring, insert instead "Commission".
35		Section 25— Omit "Trust" where firstly occurring, insert instead "Commission under this Act".
40		Section 25— Omit "Trust" where secondly, thirdly and fourthly occurring, insert instead "Commission".
45		Section 26— Omit "Trust", insert instead "Commission".
50		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".
		Section 31 (1)— Omit "Water Conservation and Irrigation".
		Section 31 (2) (a)— Omit "said" wherever occurring.

*Water Resources Commission.*SCHEDULE 6—*continued.*AMENDMENTS TO OTHER ACTS—*continued.*

Column 1.		Column 2.
5	Year and number of Act.	Short title of Act.
10	Amendment.	
10	54 Vic. No. 7— <i>continued.</i>	Wentworth Irrigation Act— <i>continued.</i>
15		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 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 carrying out or giving effect to this Act and, in particular, for or with respect to—
20		(a) the administration and maintenance of the works constructed pursuant to this Act;
25		(b) the manner of fixing the charges for water supplied and the time and manner of their payments, and the conditions on which the water shall be supplied; and
30		(c) the time and manner of payment of the rate fixed by the Commission.
35		(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.
40		(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 Interpretation (Amendment) Act, 1969.
45		
50		

*Water Resources Commission.*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— <i>continued.</i>	Wentworth Irrigation Act — <i>continued.</i>
15		Section 33— Omit the section, insert instead:— Regulations.
20		33. (1) The Governor may make regulations, not inconsistent 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.
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 Interpretation (Amendment) Act, 1969.
30		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”.
45		Section 47 (e)— Omit “by the Trust” wherever occurring, insert instead “under this Act by the Commission”.
50		Section 47— After “two Justices”, insert “or a stipendiary magistrate sitting alone”. Section 48— Omit “Trust”, insert instead “Commission under this Act”.

Water Resources Commission.

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— <i>continued.</i>	Wentworth Irrigation Act— <i>continued.</i>
15		Section 48— After “two Justices”, insert “or a stipendiary magistrate sitting alone”. Section 49— After “two Justices”, insert “or a stipendiary magistrate sitting alone”. Section 51— Omit the section.
20	1902, No. 57..	Hay Irrigation Act, 1902.
25		Section 1— Omit the matter relating to Parts II, III and IV, insert instead:— Part II.— <i>Administration—ss. 6-29.</i> Section 3— Omit “Municipalities Act, 1897, or the Country Towns Water and Sewerage Act of 1880”, insert instead “Local Government Act, 1919,”.
30		Section 5, definition of “Commission”— After the definition of “Bank”, insert:— “Commission” means the Water Resources Commission constituted under section 4 of the Water Resources Commission Act, 1976.
35		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.
40		Part II, heading— Omit the heading, insert instead:— PART II. <i>Administration.</i>
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 provisions of the Irrigation Act, 1912, the Water Act, 1912, and the Water Resources Commission Act, 1976.
50		Sections 7-10— Omit the sections.

Water Resources Commission.

SCHEDULE 6—*continued.*

AMENDMENTS TO OTHER ACTS—*continued.*

Column 1.		Column 2.
5	Year and number of Act.	Short title of Act.
5	Year and number of Act.	Amendment.
10	1902, No. 57— <i>continued.</i>	Hay Irrigation Act, 1902— <i>continued.</i>
15		Property vested in the Commission.
20		11. (1) The following property shall continue to be vested in the Commission for the purposes of this Act:—
25		(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;
30		(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
35		(c) the water which is at any time in any pipe, reservoir, creek, dam or other work constructed pursuant to this Act.
40		(2) The property referred to in subsection (1) shall be held and administered by the Commission, subject to the provisions of this Act.
45		
50		

*Water Resources Commission.*SCHEDULE 6—*continued.*AMENDMENTS TO OTHER ACTS—*continued.*

Column 1.		Column 2.
5	Year and number of Act.	Amendment.
10	1902, No. 57— <i>continued.</i>	Alteration of Second Schedule. The Governor may, by notice published in the Gazette, amend the Second Schedule by altering the boundaries described in that Schedule.
15		Part III, heading— Omit the heading.
20		Section 13 (1)— Omit "trust", insert instead "Commission". Section 13 (2)— Omit "by the trust", insert instead "under this Act by the Commission".
25		Section 13 (2)— Omit "require the trust", insert instead "require the Commission". Section 13 (3)— Omit "trust", insert instead "Commission".
30		Section 14— Omit "trust in pursuance of this Act", insert instead "Commission". Section 14— Omit "compensated by the trust", insert instead "compensated by the Commission".
35		Sections 15, 16, 17— Omit "trust" wherever occurring, insert 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 Commission".
40		Sections 18, 19, 20, 21, 22, 23 (1), (2), 24— Omit "trust" wherever occurring, insert instead "Commission".
45		Section 23 (4)— Omit "trust funds", insert instead "funds of the Commission". Section 25 (1)— Omit "Water Conservation and Irrigation".
50		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.
5	Year and number of Act.	Short title Act.
10	Amendment.	
10	1902, No. 57— <i>continued.</i>	Hay Irrigation Act, 1902— <i>continued.</i>
15		Section 26 (4)— Omit the subsection.
20		Section 27— Omit "trust" wherever occurring, insert instead "Commission".
25		Section 28— Omit the section, insert instead:
30		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 permitted 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—
35		(a) the administration and maintenance of the works constructed pursuant to this Act;
40		(b) the conditions on which water shall be supplied; and
45		(c) the mode of levying rates for the supply of any such water.
50		(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 Interpretation (Amendment) Act, 1969.

*Water Resources Commission.*SCHEDULE 6—*continued.*AMENDMENTS TO OTHER ACTS—*continued.*

Column 1.		Column 2.
5	Year and number of Act.	Short title of Act.
10	15	20
25	30	35
40	45	50
	1902, No. 57— <i>continued.</i>	Hay Irrigation Act, 1902— <i>continued.</i>
		Section 29— Omit the section, insert instead: Regulations. 29. (1) The Governor may make regulations, not inconsistent 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, 1987, 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 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— Omit “Water Conservation and Irrigation”.

Water Resources Commission.

SCHEDULE 6—continued.

AMENDMENTS TO OTHER ACTS—continued.

Column 1.		Column 2.
5	Year and number of Act.	Short title of Act.
5	Year and number of Act.	Amendment.
10	1902, No. 78.	Balranald Irrigation Act, 1902.
15		Section 1— Omit the matter relating to Parts II, III and IV, insert instead:— PART II.—Administration—ss. 5-35.
20		Section 2 (5)— Omit "Municipalities Act, 1897, or the Country Towns Water and Sewerage Act of 1880", insert instead "Local Government Act, 1919".
25		Section 4, definition of "Commission"— Before the definition of "Domestic use", insert:— "Commission" means the Water Resources Commission constituted under section 4 of the Water Resources Commission Act, 1976.
30		Section 4, definition of "Prescribed"— Omit the definition.
35		Section 4, definition of "The Trust"— Omit the definition.
40		Part II, heading— Omit the heading, insert instead:— PART II. Administration.
45		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.
50		Sections 6-9— 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- mission. poses of this Act:— (a) so much of the irri- gation area as is vested in the Commission at

*Water Resources Commission.*SCHEDULE 6—*continued.*AMENDMENTS TO OTHER ACTS—*continued.*

Column 1.		Column 2.
5	Year and number of Act.	Short title of Act.
5	Year and number of Act.	Amendment.
10	1902, No. 78— <i>continued.</i>	Balranald Irrigation Act, 1902— <i>continued.</i>
15		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;
20		(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
25		(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.
30		(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.
35		Part III, heading— Omit the heading.
40		Section 11 (1)— Omit "Trust" wherever occurring, insert instead "Commission".
45		
50		

SCHEDULE

*Water Resources Commission.*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— <i>continued.</i>	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 “require the Commission”.
20		Section 11 (2)— Omit “such Trust”, insert instead “the Commission”.
		Section 11 (3)— Omit “Trust”, insert instead “Commission.”
25		Sections 12–15— Omit the sections.
		Section 16 (2)— Omit the subsection.
30		Section 17— Omit the section.
		Sections 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28— Omit “Trust” wherever occurring, insert instead “Commission”.
35		Section 29 (1), (2)— Omit “Trust” wherever occurring, insert instead “Commission”.
		Section 29 (4)— Omit “Trust Funds”, insert instead “funds of the Commission”.
40		Sections 30, 31, 32— Omit “Trust” wherever occurring, insert instead “Commission”.
		Section 33 (1), (3)— Omit “Trust” wherever occurring, insert instead “Commission”.
45		Section 33 (4)— Omit “Trust” where firstly occurring, insert instead “Commission”.
		Section 33 (4)— Omit “Trust” where secondly occurring, insert instead “Commission under this Act”.
50		

SCHEDULE

*Water Resources Commission.*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— <i>continued.</i>	Balranald Irrigation Act, 1902— <i>continued.</i>
15		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 carrying out or giving effect to this Act and, in particular, for or with respect to—
20		(a) the administration and maintenance of the works constructed pursuant to this Act;
25		(b) the conditions on which water shall be supplied;
30		(c) the mode of assessing property and levying rates; and
35		(d) the ensuring of bona fide settlement, improvement and cultivation of land within the irrigation area, and all matters relating thereto.
40		(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.
45		

*Water Resources Commission.*SCHEDULE 6—*continued.*AMENDMENTS TO OTHER ACTS—*continued.*

Column 1.		Column 2.
5	Year and number of Act.	Short title of Act.
5	Year and number of Act.	Amendment.
10	1902, No. 78— <i>continued.</i>	Balranald Irrigation Act, 1902— <i>continued.</i>
15		(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 Interpretation (Amendment) Act, 1969.
20		Section 35— Omit the section, insert instead:— Regulations. 35. (1) The Governor may make regulations, not inconsistent 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.
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 Interpretation (Amendment) Act, 1969.
30		Part IV— Omit the Part.
35		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”.
40		Section 49 (d)— Omit “Trust”, insert instead “Commission under this Act”.
45		Section 49 (e)— Omit “by the Trust” wherever occurring, insert instead “under this Act by the Commission”.
50		

*Water Resources Commission.*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— <i>continued.</i>	Balranald Irrigation Act, 1902— <i>continued.</i>
15		Section 50— Omit "Trust", insert instead "Commission under this Act". Section 53— Omit the section. Second Schedule, heading— Omit " <i>and regulations</i> ". Second Schedule— Omit "Trust" wherever occurring, insert instead "Commission".
20	1912, No. 44..	Water Act, 1912.
25		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".
30	1913, No. 7..	Crown Lands Consolidation Act, 1913.
35		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 "the Water Resources Commission".
40		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".
45	1915, No. 8 ..	River Murray Waters Act, 1915.
50		

*Water Resources Commission.*SCHEDULE 6—*continued.*AMENDMENTS TO OTHER ACTS—*continued.*

Column 1.		Column 2.
5	Year and number of Act.	Short title of Act.
		Amendment.
10	1915, No. 8— <i>continued.</i>	River Murray Waters Act, 1915— <i>continued.</i>
15		Section 13 (2)— Omit "The Water Conservation and Irrigation Commission" where lastly occurring, insert instead "the Water Resources Commission".
20		Section 13 (3)— Omit "The Water Conservation and Irrigation Commission" wherever occurring, insert instead "the Water Resources Commission".
25		Section 13 (3)— Omit "servant", insert instead "employee".
30	1916, No. 28..	Superannuation Act, 1916.
35	1941, No. 54..	Irrigation (Amendment) Act, 1941.
40	1944, No. 15..	Crown Employees Appeal Board Act, 1944.
45	1946, No. 22..	Farm Water Supplies Act, 1946.
50		

SCHEDULE

*Water Resources Commission.*SCHEDULE 6—*continued.*AMENDMENTS TO OTHER ACTS—*continued.*

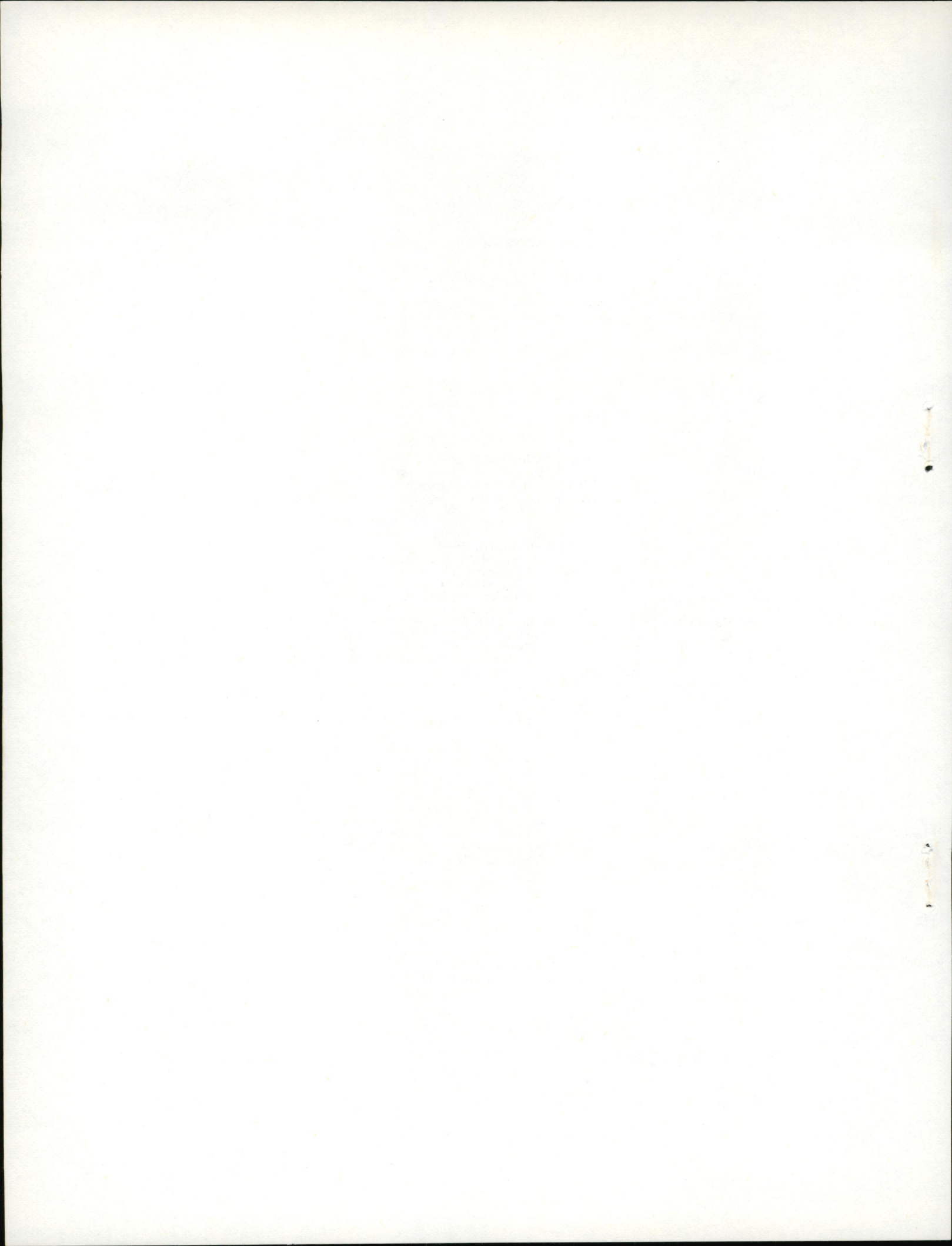
Column 1.		Column 2.
5	Year and number of Act.	Short title of Act.
		Amendment.
10	1947, No. 10..	New South Wales-Queensland Border Rivers Act, 1947.
15		Section 4, definition of "Controlling Authority"— Omit "Conservation and Irrigation", insert instead "Resources". Section 14— Omit "Conservation and Irrigation" wherever occurring, insert instead "Resources". Section 20— Omit "Conservation and Irrigation", insert instead "Resources".
20	1948, No. 20..	Rivers and Foreshores Improvement Act, 1948.
25		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 Conservation and Irrigation".
30		Section 2, definition of "The Commission"— Omit the definition.
35	1956, No. 10..	Hunter Valley Flood Mitigation Act, 1956.
40	1957, No. 28..	Attachment of Wages Limitation Act, 1957.
45	1970, No. 78..	Clean Waters Act, 1970.
50		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. Schedule— Omit "Conservation and Irrigation", insert instead "Resources". 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.
5	Year and number of Act.	Short title of Act.
10	Amendment.	
10	1970, No. 95..	State Pollution Control Commission Act, 1970.
15	1973, No. 47..	Private Irrigation Districts and Water (Amendment) Act, 1973.
20	1973, No. 58..	Farm Water Storages and Bores Subsidies Act, 1973.
25	1976, No. 4..	Statutory and Other Offices Remuneration Act, 1975.
30		Section 18 (1) (g)— Omit the paragraph, insert instead:— (g) one shall be a representative of the Water Resources Commission nominated by the Minister administering the Water Resources Commission Act, 1976;
35		Section 4 (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;
40		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;
		Schedule 2, Part 1— Omit— Chief Commissioner (under the Irrigation 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 full-time commissioner.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1976



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

Water Resources Commission.

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

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

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

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.

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

"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);

30 "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

Water Resources Commission.

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

5 “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—

- 10 (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 Chief Commissioner who is hereby incorporated as a corporation sole under the corporate name of “Water Resources Commission”. Constitution of Water Resources 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;
- 25 (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
- 30 constituted;

(f)

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
- 5 (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.

15 (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
20 seal was properly affixed.

5. The Governor may, subject to this Act, appoint—

- (a) 2 full-time commissioners; and
- (b) 2 part-time commissioners,

Appoint-
ment of
commis-
sioners.

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 commissioner shall be appointed on the nomination of the Minister and shall, subject to this Act, respectively be appointed for
30 terms, not exceeding 7 years, specified in the instruments of their appointment.

Terms of
appoint-
ment of
Chief
Commis-
sioner and
commis-
sioners.

(2)

Water Resources Commission.

(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 to 5 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 re-appointment as Chief Commissioner or as a commissioner if he is a person—

15 (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;

20 (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;

25 (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—

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

(ii)

Water Resources Commission.

(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 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
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.

Liability
for acts,
etc., of
Commis-
sion.

(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
25 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
30 other Act shall be collected and received by the Commission on account of, and shall be paid into, the Consolidated Revenue Fund.

Disposal
of money
by the
Commission.

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 officers and employees as are necessary to enable it to exercise and perform its powers, authorities, duties and functions under this or any other Act.

Appointment
of officers
and
employees
of
Commission.

(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).

(6)

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.

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.

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—
- 15 (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
- 20 (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;
- 25 (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)

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 catchment 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 authorities ;
- 30 (l) 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;
- 5 (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
- 10 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;
- 15 (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
- 20 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—
- 25 (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
- 30 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)

Water Resources Commission.

- 5 (iii) to ascertain the need and potential sites for flood control and flood mitigation works and the practicability and cost of constructing those works;
- 5 (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;
- 10 (v) to ascertain the existence and location of sub-surface waters and their nature and quality; and
- 15 (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—

- 25 (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)

Water Resources Commission.

- (ii) constructing, maintaining, operating or altering any works that it is empowered to construct or operate under this or any other Act; or
- 5 (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
10 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
15 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
20 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.

Water Resources Commission.

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

Appointment
of com-
mittees,
etc., and
delegations.

(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)

Water Resources Commission.

(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 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 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. ^{Limitation of proceedings.}

20 **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
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. ^{Notice of proceedings.}

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
5 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
10 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 proceeding has been committed in the execution of this Act
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 pending
25 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
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

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.

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

Amendment of Irrigation Act, 1912.

10 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.

Amendments to other Acts.

SCHEDULE 1.

Sec. 6.

PROVISIONS RELATING TO THE CHIEF COMMISSIONER AND COMMISSIONERS.

15

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—

Provisions relating to the Chief Commissioner and to commissioners generally.

20 (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 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

Water Resources Commission.

SCHEDULE 1—*continued.*

PROVISIONS RELATING TO THE CHIEF COMMISSIONER AND
COMMISSIONERS—*continued.*

- (4) Any such re-appointment shall be—
- 5 (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-
sioner, to act in the office of a full-time commissioner or of a part-time
20 commissioner while that commissioner is absent from his office
through illness or other cause or is acting as Chief Commissioner, and
the person so appointed shall, while so acting, be deemed to be a
full-time commissioner or a part-time commissioner, as the case may
be, and have the immunities, powers, authorities, duties and functions
25 of the commissioner in whose office he is acting.

Appointment of sub-
stitutes to
act during
absence of
Chief Com-
missioner
and com-
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).

*Water Resources Commission.*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 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;
- 20 (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
- 25 (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
30 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

Water Resources Commission.

SCHEDULE 1—*continued.*

PROVISIONS RELATING TO THE CHIEF COMMISSIONER AND COMMISSIONERS—*continued.*

- 5 (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, fund or arrangement under which any superannuation or retirement benefits are provided and which is established by or under any Act. Preservation of certain rights of Chief Commissioner and commissioners.

(2) Subject to subclause (3) and to the terms of his appointment, where the Chief Commissioner or a full-time commissioner, 20 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
- 25 (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 30 an officer, contributor or person;

SCHEDULE

Water Resources Commission.

SCHEDULE 1—*continued.*

PROVISIONS RELATING TO THE CHIEF COMMISSIONER AND
COMMISSIONERS—*continued.*

- 5 (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—
- 15 (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
- 20 (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—
- 25 (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
- 30 (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 35 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

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—

10 “officer or employee of a prescribed authority” does not include the Chief Commissioner, a commissioner or a member of any other statutory body;

“prescribed authority” means the Commission and any other statutory body;

“retiring age” means—

15 (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

20 (b) in relation to a person who was, immediately before his appointment as Chief Commissioner or as a full-time 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—

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

35 (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

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

Water Resources Commission.

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.

10 (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
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 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.

Officers between 60 and 65 years of age entitled or may be called upon to retire.

25 (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.

30 (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.

35 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).

Officers on attaining 65 years of age to retire unless called on to continue.

SCHEDULE

Water Resources Commission.

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.

Sec. 10.

EXTENDED LEAVE.

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

Leave of 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—

15 (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;

25 (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

30 (ii) the equivalent, in extended leave, of any benefit instead of extended leave or leave in the nature of extended leave,

SCHEDULE

Water Resources Commission.

SCHEDULE 3—*continued.*

EXTENDED LEAVE—*continued.*

5 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,

10 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—

15 (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

20 (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 35 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 40 female in the same trade, classification or calling as the officer; or

SCHEDULE

Water Resources Commission.

SCHEDULE 3—*continued.*

EXTENDED LEAVE—*continued.*

5 (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—

15 (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

20 (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.

25 (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.

30 (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.

40 2. (1) Where a Chief Commissioner or a full-time commissioner or an officer of the Commission has acquired a right under clause 1 (1) to extended leave with pay and dies before commencing it or after commencing it dies before its termination—

Payment of money value of leave not taken or completed.

SCHEDULE

Water Resources Commission.

SCHEDULE 3—*continued.*

EXTENDED LEAVE—*continued.*

- (a) the widow or widower of that Chief Commissioner, commissioner or officer; or
- 5 (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,
- 10

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.

- 15

(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—

- 20

- (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
- 25 (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,
- 30

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.

- 35

(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.

- 40

SCHEDULE

Water Resources Commission.

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 or an officer of the Commission has acquired a right to extended leave with pay under clause 1 (1) or (3), he shall, on vacating his 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 continuation of, and the same legal entity as, the corporation constituted under section 4A of the Irrigation Act, 1912, as in force immediately before the commencement of section 18.

SCHEDULE

Water Resources Commission.

SCHEDULE 4—*continued.*SAVINGS AND TRANSITIONAL PROVISIONS—*continued.*

- 5 (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.
- 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 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,
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. The Chief Commissioner and commissioners.
- (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 the commencement of section 18, were employed by The Water 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
40 with section 9. Officers and employees of Commission.

SCHEDULE

Water Resources Commission.

SCHEDULE 4—*continued.*

SAVINGS AND TRANSITIONAL PROVISIONS—*continued.*

- (2) Any person referred to in subclause (1) shall—
- 5 (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
- 10 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
- 15 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 Irrigation 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.

25

SCHEDULE 5.

Sec. 18.

AMENDMENTS TO THE IRRIGATION ACT, 1912.

- (1) Long title—

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

SCHEDULE

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 :—

5 PART II.—IRRIGATION AREAS—*ss. 5G-7C.*

(3) (a) Section 3, definition of “Chief Commissioner”—

Omit the definition.

(b) Section 3, definition of “Commission”—

10 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.

15 (c) Section 3, definition of “Commissioner”—

Omit the definition.

(d) Section 3, definition of “Discharged soldier”—

20 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

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 (5) (a) Section 5G—

Omit “, as amended by subsequent Acts”
wherever occurring.

(b) Section 5G—

Omit “, as so amended” wherever occurring.

10 (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

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”.

5 (b) Section 6A (1)—

Omit “the said” wherever occurring, insert instead “those”.

(8) (a) Section 7—

10 Omit “such Act” wherever occurring, insert instead “that Act”.

(b) Section 7 (1) (c)—

Omit “said”.

(9) Section 8—

Omit the section, insert instead :—

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

Powers, authorities, duties and functions of Commission under this Act.

20 (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.*

5 (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.

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.

Water Resources Commission.

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 11I—

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

Water Resources Commission.

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 19I—

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

Water Resources Commission.

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)—

10 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

Water Resources Commission.

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 :—

10

(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”.

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.
5	Year and number of Act.	Amendment.
10	54 Vic. No. 7	Wentworth Irrigation Act.
15		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		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 Resources Commission constituted under section 4 of the Water Resources Commission Act, 1976.
30		Section 4, definition of “Owner”— Omit “The Water Conservation and Irrigation 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:— PART II.— <i>Administration.</i>
45		Part II, heading— Omit “ <i>Constitution of Trust.</i> ”, insert instead “ <i>Administration.</i> ”.

SCHEDULE

*Water Resources Commission.*SCHEDULE 6—*continued.*AMENDMENTS TO OTHER ACTS—*continued.*

Column 1.		Column 2.
5	Year and number of Act.	Amendment.
10	54 Vic., No. 7 — <i>continued.</i>	Section 5— Omit the section, insert instead:— Administration of Act. 5. This Act shall be administered by the Commission and shall be read subject to the provisions of the Irrigation Act, 1912, the Water Act, 1912, and the Water Resources Commission Act, 1976.
15	Wentworth Irrigation Act— <i>continued.</i>	
20		Sections 6-9— Omit the sections. Section 10— Omit the section, insert instead:— Property vested in the Commission. 10. (1) The following property shall continue to be vested in the Commission for the purposes of this Act:—
25		(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;
30		(b) all dams, weirs, floodgates, culverts, aqueducts, sluices, flumes, pipes, engines, pumping machinery, reservoirs and other works constructed or erected pursuant to this Act; and
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40		
45		

*Water Resources Commission.*SCHEDULE 6—*continued.*AMENDMENTS TO OTHER ACTS—*continued.*

Column 1.		Column 2.
5	Year and number of Act.	Short title of Act.
10	Amendment.	
10	54 Vic., No. 7 — <i>continued.</i>	Wentworth Irrigation Act— <i>continued.</i>
15		(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.
20		(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.
25		(3) Nothing in this Act shall be construed 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.
30		Part III, heading— Omit the heading.
35		Section 11— Omit "Trust" where firstly occurring, insert instead "Commission".
40		Section 11 (VI)— Omit "by the Trust", insert instead "under this Act by the Commission".
45		Section 11 (VI)— Omit "require the Trust", insert instead "require the Commission".
50		Section 11— Omit "authorize the Trust", insert instead "authorize the Commission". Sections 12-16— Omit the sections.

SCHEDULE

*Water Resources Commission.*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— <i>continued.</i>	Wentworth Irrigation Act— <i>continued.</i>
15		Section 17— Omit "And it shall be lawful for the Minister 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."
20		Section 18— Omit the section. Sections 19, 20, 21, 22— Omit "Trust" wherever occurring, insert instead "Commission".
25		Section 22A (1)— Omit "Water Conservation and Irrigation Commission (hereinafter in this section referred to as the Commission)", insert instead "Commission".
30		Sections 23, 24— Omit "Trust" wherever occurring, insert instead "Commission". Section 25— Omit "Trust" where firstly occurring, insert instead "Commission under this Act".
35		Section 25— Omit "Trust" where secondly, thirdly and fourthly occurring, insert instead "Commission".
40		Section 26— Omit "Trust", insert instead "Commission". Section 27— Omit "Trust" where firstly, secondly and thirdly occurring, insert instead "Commission".
45		Section 27— Omit "Trust Funds", insert instead "funds of the Commission". Sections 28, 29, 30— Omit "Trust" wherever occurring, insert instead "Commission".
50		Section 31 (1)— Omit "Water Conservation and Irrigation". Section 31 (2) (a)— Omit "said" wherever occurring.

*Water Resources Commission.*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— <i>continued.</i>	Wentworth Irrigation Act— <i>continued.</i>
15		Section 32— Omit the section, insert instead:— By-laws.
20		32. (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 permitted 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—
25		(a) the administration and maintenance of the works constructed pursuant to this Act;
30		(b) the manner of fixing the charges for water supplied and the time and manner of their payments, and the conditions on which the water shall be supplied; and
35		(c) the time and manner of payment of the rate fixed by the Commission.
40		(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.
45		(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 Interpretation (Amendment) Act, 1969.
50		

*Water Resources Commission.*SCHEDULE 6—*continued.*AMENDMENTS TO OTHER ACTS—*continued.*

Column 1.		Column 2.
5	Year and number of Act.	Short title of Act.
10	Amendment.	
10	54 Vic. No. 7— <i>continued.</i>	Wentworth Irrigation Act— <i>continued.</i>
15		Section 33— Omit the section, insert instead:— Regulations. 33. (1) The Governor may make regulations, not inconsistent 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.
20		(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.
25		Part IV— Omit the Part.
30		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”.
35		Section 47 (d)— Omit “Trust”, insert instead “Commission under this Act”.
40		Section 47 (e)— Omit “by the Trust” wherever occurring, insert instead “under this Act by the Commission”.
45		Section 47— After “two Justices”, insert “or a stipendiary magistrate sitting alone”.
50		Section 48— Omit “Trust”, insert instead “Commission under this Act”.

Water Resources Commission.

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— <i>continued.</i>	Wentworth Irrigation Act— <i>continued.</i>
15		Section 48— After “two Justices”, insert “or a stipendiary magistrate sitting alone”. Section 49— After “two Justices”, insert “or a stipendiary magistrate sitting alone”. Section 51— Omit the section.
20	1902, No. 57..	Hay Irrigation Act, 1902.
25		Section 1— Omit the matter relating to Parts II, III and IV, insert instead:— Part II.— <i>Administration—ss. 6-29.</i> Section 3— Omit “Municipalities Act, 1897, or the Country Towns Water and Sewerage Act of 1880”, insert instead “Local Government Act, 1919.”
30		Section 5, definition of “Commission”— After the definition of “Bank”, insert:— “Commission” means the Water Resources Commission constituted under section 4 of the Water Resources Commission Act, 1976.
35		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.
40		Part II, heading— Omit the heading, insert instead:— PART II. <i>Administration.</i>
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 provisions of the Irrigation Act, 1912, the Water Act, 1912, and the Water Resources Commission Act, 1976.
50		Sections 7-10— Omit the sections.

*Water Resources Commission.*SCHEDULE 6—*continued.*AMENDMENTS TO OTHER ACTS—*continued.*

Column 1.		Column 2.
5	Year and number of Act.	Short title of Act.
5	Year and number of Act.	Amendment.
10	1902, No. 57— <i>continued.</i>	Hay Irrigation Act, 1902— <i>continued.</i>
15		Property vested in the Commission.
20		11. (1) The following property shall continue to be vested in the Commission for the purposes of this Act:—
25		(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;
30		(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
35		(c) the water which is at any time in any pipe, reservoir, creek, dam or other work constructed pursuant to this Act.
40		(2) The property referred to in subsection (1) shall be held and administered by the Commission, subject to the provisions of this Act.
45		
50		

*Water Resources Commission.*SCHEDULE 6—*continued.*AMENDMENTS TO OTHER ACTS—*continued.*

Column 1.		Column 2.
5	Year and number of Act.	Short title of Act.
10	Amendment.	
10	1902, No. 57— <i>continued.</i>	Hay Irrigation Act, 1902— <i>continued.</i>
15		Alteration of Second Schedule.
20		12. The Governor may, by notice published in the Gazette, amend the Second Schedule by altering the boundaries described in the Schedule.
25		Part III, heading— Omit the heading.
30		Section 13 (1)— Omit "trust", insert instead "Commission".
35		Section 13 (2)— Omit "by the trust", insert instead "under this Act by the Commission".
40		Section 13 (2)— Omit "require the trust", insert instead "require the Commission".
45		Section 13 (3)— Omit "trust", insert instead "Commission".
50		Section 14— Omit "trust in pursuance of this Act", insert instead "Commission".
		Section 14— Omit "compensated by the trust", insert instead "compensated by the Commission".
		Sections 15, 16, 17— Omit "trust" wherever occurring, insert 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 Commission".
		Sections 18, 19, 20, 21, 22, 23 (1), (2), 24— Omit "trust" wherever occurring, insert 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.
5	Year and number of Act.	Short title Act.
10	Amendment.	
10	1902, No. 57— <i>continued.</i>	Hay Irrigation Act, 1902— <i>continued.</i>
15		Section 26 (4)— Omit the subsection.
20		Section 27— Omit "trust" wherever occurring, insert instead "Commission".
25		Section 28— Omit the section, insert instead:
30		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—
35		(a) the administration and maintenance of the works constructed pursuant to this Act;
40		(b) the conditions on which water shall be supplied; and
45		(c) the mode of levying rates for the supply of any such water.
50		(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.

*Water Resources Commission.*SCHEDULE 6—*continued.*AMENDMENTS TO OTHER ACTS—*continued.*

Column 1.		Column 2.
5	Year and number of Act.	Short title of Act.
10	15	20
25	30	35
40	45	50
	1902, No. 57— <i>continued.</i>	Hay Irrigation Act, 1902— <i>continued.</i>
		Section 29— Omit the section, insert instead: Regulations. 29. (1) The Governor may make regulations, not inconsistent 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, 1987, 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 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— Omit “Water Conservation and Irrigation”.

*Water Resources Commission.*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..	Balranald Irrigation Act, 1902.
15		Section 1— Omit the matter relating to Parts II, III and IV, insert instead:— PART II.— <i>Administration</i> — <i>ss.</i> 5-35.
20		Section 2 (5)— Omit "Municipalities Act, 1897, or the Country Towns Water and Sewerage Act of 1880", insert instead "Local Government Act, 1919".
25		Section 4, definition of "Commission"— Before the definition of "Domestic use", insert:— "Commission" means the Water Resources Commission constituted under section 4 of the Water Resources Commission Act, 1976.
30		Section 4, definition of "Prescribed"— Omit the definition. Section 4, definition of "The Trust"— Omit the definition. Part II, heading— Omit the heading, insert instead:— PART II. <i>Administration.</i>
35		Section 5— Omit the section, insert instead: Administration 5. This Act shall be administered by the Commission and shall be read subject to the provisions of the Irrigation Act, 1912, the Water Act, 1912, and the Water Resources Commission Act, 1976.
40		Sections 6-9— Omit the sections.
45		Section 10— Omit the section, insert instead:— Property 10. (1) The following property shall continue to be vested in the Commission for the purposes of this Act:— (a) so much of the irrigation area as is vested in the Commission at
50		

*Water Resources Commission.*SCHEDULE 6—*continued.*AMENDMENTS TO OTHER ACTS—*continued.*

Column 1.		Column 2.
5	Year and number of Act.	Short title of Act.
5	Year and number of Act.	Amendment.
10	1902, No. 78— <i>continued.</i>	Balranald Irrigation Act, 1902— <i>continued.</i>
15		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;
20		(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
25		(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.
30		(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.
35		Part III, heading— Omit the heading.
40		Section 11 (1)— Omit "Trust" wherever occurring, insert instead "Commission".
45		
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*Water Resources Commission.*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— <i>continued.</i>	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 “require the Commission”.
20		Section 11 (2)— Omit “such Trust”, insert instead “the Commission”.
		Section 11 (3)— Omit “Trust”, insert instead “Commission.”
25		Sections 12–15— Omit the sections.
		Section 16 (2)— Omit the subsection.
30		Section 17— Omit the section.
		Sections 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28— Omit “Trust” wherever occurring, insert instead “Commission”.
35		Section 29 (1), (2)— Omit “Trust” wherever occurring, insert instead “Commission”.
		Section 29 (4)— Omit “Trust Funds”, insert instead “funds of the Commission”.
40		Sections 30, 31, 32— Omit “Trust” wherever occurring, insert instead “Commission”.
		Section 33 (1), (3)— Omit “Trust” wherever occurring, insert instead “Commission”.
45		Section 33 (4)— Omit “Trust” where firstly occurring, insert instead “Commission”.
		Section 33 (4)— Omit “Trust” where secondly occurring, insert instead “Commission under this Act”.
50		

*Water Resources Commission.*SCHEDULE 6—*continued.*AMENDMENTS TO OTHER ACTS—*continued.*

Column 1.		Column 2.
5	Year and number of Act.	Short title of Act.
5	Year and number of Act.	Amendment.
10	1902, No. 78— <i>continued.</i>	Balranald Irrigation Act, 1902— <i>continued.</i>
15		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 carrying out or giving effect to this Act and, in particular, for or with respect to—
20		(a) the administration and maintenance of the works constructed pursuant to this Act;
25		(b) the conditions on which water shall be supplied;
30		(c) the mode of assessing property and levying rates; and
35		(d) the ensuring of bona fide settlement, improvement and cultivation of land within the irrigation area, and all matters relating thereto.
40		(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.
45		

*Water Resources Commission.*SCHEDULE 6—*continued.*AMENDMENTS TO OTHER ACTS—*continued.*

Column 1.		Column 2.
5	Year and number of Act.	Short title of Act.
5	Year and number of Act.	Amendment.
10	1902, No. 78— <i>continued.</i>	Balranald Irrigation Act, 1902— <i>continued.</i>
15		(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 Interpretation (Amendment) Act, 1969.
20		Section 35— Omit the section, insert instead:— Regulations.
25		35. (1) The Governor may make regulations, not inconsistent 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.
30		(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.
35		Part IV— Omit the Part.
40		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”.
45		Section 49 (d)— Omit “Trust”, insert instead “Commission under this Act”.
50		Section 49 (e)— Omit “by the Trust” wherever occurring, insert instead “under this Act by the Commission”.

*Water Resources Commission.*SCHEDULE 6—*continued.*AMENDMENTS TO OTHER ACTS—*continued.*

Column 1.		Column 2.
5	Year and number of Act.	Short title of Act.
10	15	20
25	30	35
40	45	50
	1902, No. 78— <i>continued.</i>	Balranald Irrigation Act, 1902— <i>continued.</i>
		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)— Omit "Water Conservation and Irrigation".
	1913, No. 7..	Crown Lands Consolidation Act, 1913.
		Section 5 (1), definition of "Commission"— 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)— Omit "The Water Conservation and Irrigation Commission", insert instead "the Water Resources Commission".
	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". 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.
5	Year and number of Act.	Short title of Act.
		Amendment.
10	1915, No. 8— <i>continued.</i>	River Murray Waters Act, 1915— <i>continued.</i>
15		Section 13 (2)— Omit "The Water Conservation and Irrigation Commission" where lastly occurring, insert instead "the Water Resources Commission". 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 Resources Commission".
25		Section 16 (a)— Omit "The Water Conservation and Irrigation Commission", insert instead "the Water Resources Commission".
30	1916, No. 28..	Superannuation Act, 1916.
35	1941, No. 54..	Irrigation (Amendment) Act, 1941.
40	1944, No. 15..	Crown Employees Appeal Board Act, 1944.
45	1946, No. 22..	Farm Water Supplies Act, 1946.
50		Schedule III— Omit "The Commissioner for Water Conservation and Irrigation", insert instead "The Water Resources Commission". Section 2, 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. Second Schedule— Omit "The Water Conservation and Irrigation Commission", insert instead "The Water Resources Commission". Long title— Omit "Conservation and Irrigation", insert instead "Resources". Section 2, 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.

*Water Resources Commission.*SCHEDULE 6—*continued.*AMENDMENTS TO OTHER ACTS—*continued.*

Column 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.
15		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".
20	1948, No. 20..	Rivers and Foreshores Improvement Act, 1948.
25		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 Conservation and Irrigation".
30		Section 2, definition of "The Commission"— Omit the definition.
35	1956, No. 10..	Hunter Valley Flood Mitigation Act, 1956.
40	1957, No. 28..	Attachment of Wages Limitation Act, 1957.
45	1970, No. 78..	Clean Waters Act, 1970.
50		Schedule— Omit "Conservation and Irrigation", insert instead "Resources". 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.	
5	Year and number of Act.	Short title of Act.	
10	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 administering the Water Resources Commission Act, 1976;
15	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 under section 4 of the Water Resources Commission Act, 1976;
20	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;
25	1976, No. 4 ..	Statutory and Other Offices Remuneration Act, 1975.	Schedule 2, Part 1— Omit— Chief Commissioner (under the Irrigation 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 full-time commissioner.
30			
35			
40			

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

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 part-time 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.

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.

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

Water Resources Commission.

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

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

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

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.

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

"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);

30 "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

Water Resources Commission.

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

5 “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—

- 10 (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 Chief Commissioner who is hereby incorporated as a corporation sole under the corporate name of “Water Resources Commission”. Constitution of Water Resources Commission. 08

(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;
- 25 (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;
- 30

(f)

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

5 (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.

15 (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

20 (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,

Appoint-
ment of
commis-
sioners.

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

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
30 terms, not exceeding 7 years, specified in the instruments of their appointment.

Terms of
appoint-
ment of
Chief
Commis-
sioner and
commis-
sioners.

(2)

Water Resources Commission.

(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 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.

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

15 (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;

20 (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;

25 (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—
30 (i) in the case of the Chief Commissioner or a full-time commissioner, attained the age age of 65 years; or

(ii)

Water Resources Commission.

(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 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
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.

Liability
for acts,
etc., of
Commis-
sion.

(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
25 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
30 other Act shall be collected and received by the Commission on account of, and shall be paid into, the Consolidated Revenue Fund.

Disposal
of money
by the
Commission.

(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 officers and employees as are necessary to enable it to exercise and perform its powers, authorities, duties and functions under this or any other Act.

Appointment
of officers
and
employees
of
Commission.

(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).

(6)

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.

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.

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—

15 (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

20 (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;

25 (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)

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 catchment 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;
- (k) the co-ordination and advancement of water policies with Commonwealth and interstate authorities;
- 25 (l) 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;
- 30

(m)

Water Resources Commission.

- (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;
- 5 (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;
- 10 (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;
- 15 (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—
- 20 (i) to ascertain potential sites for works of water storage and water supply and the practicability and cost of constructing those works;
- 25 (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;
- 30

(iii)

Water Resources Commission.

- (iii) to ascertain the need and potential sites for flood control and flood mitigation works and the practicability and cost of constructing those works;
- 5 (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;
- 10 (v) to ascertain the existence and location of sub-surface waters and their nature and quality; and
- 15 (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—

- 25 (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)

Water Resources Commission.

- (ii) constructing, maintaining, operating or altering any works that it is empowered to construct or operate under this or any other Act; or
- 5 (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
10 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
15 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
20 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.

Water Resources Commission.

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

Appointment
of com-
mittees,
etc., and
delegations.

(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)

Water Resources Commission.

(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 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 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
20 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
25 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
30 those proceedings, or by his attorney or agent.

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
5 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
10 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 15. (1) If any irregularity, trespass, or other wrongful
proceedings has been committed in the execution of this Act
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.

30 16. (1) The Commission may, with the approval of the
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

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.

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

Amendment of Irrigation Act, 1912.

10 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.

Amendments to other Acts.

SCHEDULE 1.

Sec. 6.

PROVISIONS RELATING TO THE CHIEF COMMISSIONER AND COMMISSIONERS.

15

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—

Provisions relating to the Chief Commissioner and to commissioners generally.

20

- (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

Water Resources Commission.

SCHEDULE 1—*continued.*

PROVISIONS RELATING TO THE CHIEF COMMISSIONER AND
COMMISSIONERS—*continued.*

- (4) Any such re-appointment shall be—
- 5 (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-
sioner, to act in the office of a full-time commissioner or of a part-time
20 commissioner while that commissioner is absent from his office
through illness or other cause or is acting as Chief Commissioner, and
the person so appointed shall, while so acting, be deemed to be a
full-time commissioner or a part-time commissioner, as the case may
be, and have the immunities, powers, authorities, duties and functions
25 of the commissioner in whose office he is acting.

Appoint-
ment of sub-
stitutes to
act during
absence of
Chief Com-
missioner
and commis-
sioners.

(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).

*Water Resources Commission.*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
10 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— Casual
vacancy.

- 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;
- 20 (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
- 25 (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
- 30 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

Water Resources Commission.

SCHEDULE 1—*continued.*

PROVISIONS RELATING TO THE CHIEF COMMISSIONER AND
COMMISSIONERS—*continued.*

- 5 (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, fund or arrangement under which any superannuation or retirement benefits are provided and which is established by or under any Act. Preservation of certain rights of Chief Commissioner and commissioners.

(2) Subject to subclause (3) and to the terms of his appointment, where the Chief Commissioner or a full-time commissioner, 20 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
- 25 (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—

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

SCHEDULE

Water Resources Commission.

SCHEDULE 1—*continued.*

PROVISIONS RELATING TO THE CHIEF COMMISSIONER AND
COMMISSIONERS—*continued.*

- 5 (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—
- 15 (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
- 20 (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—
- 25 (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
- 30 (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
- 35 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

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—

10 “officer or employee of a prescribed authority” does not include the Chief Commissioner, a commissioner or a member of any other statutory body;

“prescribed authority” means the Commission and any other statutory body;

“retiring age” means—

15 (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

20 (b) in relation to a person who was, immediately before his appointment as Chief Commissioner or as a full-time 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—

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

35 (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

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

Water Resources Commission.

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.

10 (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
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 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.
25 (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.

Officers between 60 and 65 years of age entitled or may be called upon to retire.

30 (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.

35 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).

Officers on attaining 65 years of age to retire unless called on to continue.

SCHEDULE

Water Resources Commission.

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.

Sec. 10.

EXTENDED LEAVE.

- 10 1. (1) Subject to this clause, the Chief Commissioner, a full-time commissioner or an officer of the Commission shall be entitled—
- Leave of 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—
 - 15 (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;
 - 25 (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
 - 30 (ii) the equivalent, in extended leave, of any benefit instead of extended leave or leave in the nature of extended leave,

SCHEDULE

Water Resources Commission.

SCHEDULE 3—*continued.*

EXTENDED LEAVE—*continued.*

5 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,

10 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—

15 (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

20 (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,

25 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"—

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
35 under 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
40 female in the same trade, classification or calling as the officer; or

SCHEDULE

Water Resources Commission.

SCHEDULE 3—*continued.*

EXTENDED LEAVE—*continued.*

5 (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

15 (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.

20 (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.

25 (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.

30 2. (1) Where a Chief Commissioner or a full-time commissioner or an officer of the Commission has acquired a right under clause 1 (1) to extended leave with pay and dies before commencing it or after commencing it dies before its termination—

Payment of money value of leave not taken or completed.

SCHEDULE completed.

Water Resources Commission.

SCHEDULE 3—*continued.*

EXTENDED LEAVE—*continued.*

- (a) the widow or widower of that Chief Commissioner, commissioner or officer; or
- 5 (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,
- 10

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 adult and less than 10 years' service as referred to in clause 1 (3) dies—

20

- (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
- 25 (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,
- 30

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

Water Resources Commission.

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 or an officer of the Commission has acquired a right to extended leave with pay under clause 1 (1) or (3), he shall, on vacating his 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.

Gratuity instead of extended leave.

(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 continuation of, and the same legal entity as, the corporation constituted under section 4A of the Irrigation Act, 1912, as in force immediately before the commencement of section 18.

SCHEDULE

*Water Resources Commission.*SCHEDULE 4—*continued.*SAVINGS AND TRANSITIONAL PROVISIONS—*continued.*

- 5 (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.
- 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 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
25 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. **The Chief Commissioner and commissioners.**
- (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 the commencement of section 18, were employed by The Water Conservation and Irrigation Commission as officers or as servants or workmen shall continue as if those persons had respectively been
40 appointed by the Commission as officers or as employees in accordance with section 9. **Officers and employees of Commission.**

SCHEDULE

Water Resources Commission.

SCHEDULE 4—*continued.*

SAVINGS AND TRANSITIONAL PROVISIONS—*continued.*

- (2) Any person referred to in subclause (1) shall—
 - 5 (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;
 - 10 (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
 - 15 (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 Irrigation 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. Regulations.

25

SCHEDULE 5.

Sec. 18.

AMENDMENTS TO THE IRRIGATION ACT, 1912.

(1) Long title—

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

SCHEDULE

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 :—

5 PART II.—IRRIGATION AREAS—*ss.* 5G–7C.

(3) (a) Section 3, definition of “Chief Commissioner”—

Omit the definition.

(b) Section 3, definition of “Commission”—

10 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.

15 (c) Section 3, definition of “Commissioner”—

Omit the definition.

(d) Section 3, definition of “Discharged soldier”—

20 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

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 (5) (a) Section 5G—

Omit “, as amended by subsequent Acts”
wherever occurring.

(b) Section 5G—

Omit “, as so amended” wherever occurring.

10 (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

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”.

5 (b) Section 6A (1)—

Omit “the said” wherever occurring, insert instead “those”.

(8) (a) Section 7—

10 Omit “such Act” wherever occurring, insert instead “that Act”.

(b) Section 7 (1) (c)—

Omit “said”.

(9) Section 8—

Omit the section, insert instead :—

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

20 (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

Powers, authorities, duties and functions of Commission under this Act.

Water Resources Commission.

SCHEDULE 5—*continued.*

AMENDMENTS TO THE IRRIGATION ACT, 1912—*continued.*

- 5 (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.

- 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.

8409 654—c

SCHEDULE

Water Resources Commission.

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 11I—

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

Water Resources Commission.

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 19I—

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

Water Resources Commission.

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—

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Omit the section.

(24) (a) Section 25—

Omit “1912–1936”, insert instead “1912”.

SCHEDULE

Water Resources Commission.

SCHEDULE 5—*continued.*

AMENDMENTS TO THE IRRIGATION ACT, 1912—*continued.*

(b) Section 25—

Omit “the said”, insert instead “those”.

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5 (25) Section 26 (1) (r)—

Omit the paragraph.

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(26) Section 28 (2)—

Omit the subsection, insert instead :—

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10 (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.

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(27) Section 30—

15 Omit “or police magistrate”.

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Water Resources Commission.

SCHEDULE 6.

Sec. 19.

AMENDMENTS TO OTHER ACTS.

Column 1.		Column 2.
5	Year and number of Act.	Amendment.
10	54 Vic. No. 7 Wentworth Irrigation Act.	<p>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”.</p> <p>Section 2— Omit ““Municipalities Act of 1867,” or the “Country Towns Water and Sewerage Act of 1880,””, insert instead “Local Government Act, 1919”.</p> <p>Section 4, definition of “Commission”— After the definition of “Bank”, insert:— “Commission” means the Water Resources Commission constituted under section 4 of the Water Resources Commission Act, 1976.</p> <p>Section 4, definition of “Owner”— Omit “The Water Conservation and Irrigation Commission”, insert instead “the Commission”.</p> <p>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.</p> <p>Section 4, definition of “The Trust”— Omit the definition.</p> <p>Section 4— Omit the matter relating to Parts II, III and IV, insert instead:— PART II.—<i>Administration.</i></p> <p>Part II, heading— Omit “<i>Constitution of Trust.</i>”, insert instead “<i>Administration.</i>”.</p>

*Water Resources Commission.*SCHEDULE 6—*continued.*AMENDMENTS TO OTHER ACTS—*continued.*

Column 1.		Column 2.
5	Year and number of Act.	Amendment.
10	54 Vic., No. 7 — <i>continued.</i>	Section 5— Omit the section, insert instead:— Administration of Act. 5. This Act shall be administered by the Commission and shall be read subject to the provisions of the Irrigation Act, 1912, the Water Act, 1912, and the Water Resources Commission Act, 1976.
15	Wentworth Irrigation Act— <i>continued.</i>	
20		Sections 6-9— Omit the sections. Section 10— Omit the section, insert instead:— Property vested in the Commission. 10. (1) The following property shall continue to be vested in the Commission for the purposes of this Act:—
25		(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;
30		(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
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*Water Resources Commission.*SCHEDULE 6—*continued.*AMENDMENTS TO OTHER ACTS—*continued.*

Column 1.		Column 2.
5	Year and number of Act.	Amendment.
10	54 Vic., No. 7 — <i>continued.</i>	(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.
15		(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.
20		(3) Nothing in this Act shall be construed 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.
25		Part III, heading— Omit the heading.
30		Section 11— Omit "Trust" where firstly occurring, insert instead "Commission".
35		Section 11 (VI)— Omit "by the Trust", insert instead "under this Act by the Commission".
40		Section 11 (VI)— Omit "require the Trust", insert instead "require the Commission".
45		Section 11— Omit "authorize the Trust", insert instead "authorize the Commission".
50		Sections 12-16— Omit the sections.

*Water Resources Commission.*SCHEDULE 6—*continued.*AMENDMENTS TO OTHER ACTS—*continued.*

Column 1.		Column 2.
5	Year and number of Act.	Amendment.
10	54 Vic. No. 7— <i>continued.</i>	Section 17— Omit "And it shall be lawful for the Minister 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."
15	Wentworth Irrigation Act— <i>continued.</i>	Section 18— Omit the section.
20		Sections 19, 20, 21, 22— Omit "Trust" wherever occurring, insert instead "Commission".
25		Section 22A (1)— Omit "Water Conservation and Irrigation Commission (hereinafter in this section referred to as the Commission)", insert instead "Commission".
30		Sections 23, 24— Omit "Trust" wherever occurring, insert instead "Commission".
35		Section 25— Omit "Trust" where firstly occurring, insert instead "Commission under this Act".
40		Section 25— Omit "Trust" where secondly, thirdly and fourthly occurring, insert instead "Commission".
45		Section 26— Omit "Trust", insert instead "Commission".
50		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".
		Section 31 (1)— Omit "Water Conservation and Irrigation".
		Section 31 (2) (a)— Omit "said" wherever occurring.

*Water Resources Commission.*SCHEDULE 6—*continued.*AMENDMENTS TO OTHER ACTS—*continued.*

Column 1.		Column 2.
5	Year and number of Act.	Short title of Act.
10	Amendment.	
10	54 Vic. No. 7— <i>continued.</i>	Wentworth Irrigation Act— <i>continued.</i>
15		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 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 carrying out or giving effect to this Act and, in particular, for or with respect to—
20		(a) the administration and maintenance of the works constructed pursuant to this Act;
25		(b) the manner of fixing the charges for water supplied and the time and manner of their payments, and the conditions on which the water shall be supplied; and
30		(c) the time and manner of payment of the rate fixed by the Commission.
35		(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.
40		(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 Interpretation (Amendment) Act, 1969.
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*Water Resources Commission.*SCHEDULE 6—*continued.*AMENDMENTS TO OTHER ACTS—*continued.*

Column 1.		Column 2.
5	Year and number of Act.	Amendment.
10	54 Vic. No. 7— <i>continued.</i>	Section 33— Omit the section, insert instead:— Regulations.
15	Wentworth Irrigation Act — <i>continued.</i>	33. (1) The Governor may make regulations, not inconsistent 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.
20		(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.
25		Part IV— Omit the Part.
30		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”.
35		Section 47 (d)— Omit “Trust”, insert instead “Commission under this Act”.
40		Section 47 (e)— Omit “by the Trust” wherever occurring, insert instead “under this Act by the Commission”.
45		Section 47— After “two Justices”, insert “or a stipendiary magistrate sitting alone”.
50		Section 48— Omit “Trust”, insert instead “Commission under this Act”.

Water Resources Commission.

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— <i>continued.</i>	Wentworth Irrigation Act— <i>continued.</i>
15		Section 48— After “two Justices”, insert “or a stipendiary magistrate sitting alone”. Section 49— After “two Justices”, insert “or a stipendiary magistrate sitting alone”.
20	1902, No. 57..	Section 51— Omit the section. Section 1— Omit the matter relating to Parts II, III and IV, insert instead:— Part II.— <i>Administration—ss. 6-29.</i>
25		Section 3— Omit “Municipalities Act, 1897, or the Country Towns Water and Sewerage Act of 1880”, insert instead “Local Government Act, 1919.”.
30		Section 5, definition of “Commission”— After the definition of “Bank”, insert:— “Commission” means the Water Resources Commission constituted under section 4 of the Water Resources Commission Act, 1976.
35		Section 5, definition of “Irrigation area”— Omit “trust”, insert instead “Commission”. Section 5, definition of “Prescribed”— Omit the definition.
40		Section 5, definition of “The trust”— Omit the definition. Part II, heading— Omit the heading, insert instead:— PART II. <i>Administration.</i>
45		Section 6— Omit the section, insert instead:— Adminis- 6. This Act shall be adminis- tration of 6. This Act shall be adminis- Act. tration of 6. This Act shall be adminis- shall be read subject to the provisions of the Irrigation Act, 1912, the Water Act, 1912, and the Water Resources Commission Act, 1976.
50		Sections 7-10— Omit the sections.

*Water Resources Commission.*SCHEDULE 6—*continued.*AMENDMENTS TO OTHER ACTS—*continued.*

Column 1.		Column 2.
5	Year and number of Act.	Short title of Act.
5	Year and number of Act.	Amendment.
10	1902, No. 57— <i>continued.</i>	Hay Irrigation Act, 1902— <i>continued.</i>
15		Property vested in the Commission.
20		11. (1) The following property shall continue to be vested in the Commission for the purposes of this Act:—
25		(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;
30		(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
35		(c) the water which is at any time in any pipe, reservoir, creek, dam or other work constructed pursuant to this Act.
40		(2) The property referred to in subsection (1) shall be held and administered by the Commission, subject to the provisions of this Act.
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*Water Resources Commission.*SCHEDULE 6—*continued.*AMENDMENTS TO OTHER ACTS—*continued.*

Column 1.		Column 2.
5	Year and number of Act.	Amendment.
10	1902, No. 57— <i>continued.</i>	Alteration of Second Schedule by altering the boundaries described in the Schedule.
15	Hay Irrigation Act, 1902— <i>continued.</i>	Part III, heading— Omit the heading.
20		Section 13 (1)— Omit "trust", insert instead "Commission".
25		Section 13 (2)— Omit "by the trust", insert instead "under this Act by the Commission".
30		Section 13 (2)— Omit "require the trust", insert instead "require the Commission".
35		Section 13 (3)— Omit "trust", insert instead "Commission".
40		Section 14— Omit "trust in pursuance of this Act", insert instead "Commission".
45		Section 14— Omit "compensated by the trust", insert instead "compensated by the Commission".
50		Sections 15, 16, 17— Omit "trust" wherever occurring, insert 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 Commission".
		Sections 18, 19, 20, 21, 22, 23 (1), (2), 24— Omit "trust" wherever occurring, insert 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".

*Water Resources Commission.*SCHEDULE 6—*continued.*AMENDMENTS TO OTHER ACTS—*continued.*

Column 1.		Column 2.
5	Year and number of Act.	Short title Act.
10	Amendment.	
10	1902, No. 57— <i>continued.</i>	Hay Irrigation Act, 1902— <i>continued.</i>
15		Section 26 (4)— Omit the subsection.
20		Section 27— Omit "trust" wherever occurring, insert instead "Commission".
25		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 permitted 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—
30		(a) the administration and maintenance of the works constructed pursuant to this Act;
35		(b) the conditions on which water shall be supplied; and
40		(c) the mode of levying rates for the supply of any such water.
45		(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.
50		(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 Interpretation (Amendment) Act, 1969.

*Water Resources Commission.*SCHEDULE 6—*continued.*AMENDMENTS TO OTHER ACTS—*continued.*

Column 1.		Column 2.
5	Year and number of Act.	Amendment.
10	1902, No. 57— <i>continued.</i>	Section 29— Omit the section, insert instead: Regulations. 29. (1) The Governor may make regulations, not inconsistent 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, 1987, applies in respect of a regulation as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.
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30		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”.
35		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 under this Act”.
50		Section 47— Omit the section. Second Schedule— Omit “Water Conservation and Irrigation”.

*Water Resources Commission.*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..	Balranald Irrigation Act, 1902.
15		Section 1— Omit the matter relating to Parts II, III and IV, insert instead:— PART II.— <i>Administration</i> — <i>ss.</i> 5-35.
20		Section 2 (5)— Omit "Municipalities Act, 1897, or the Country Towns Water and Sewerage Act of 1880", insert instead "Local Government Act, 1919".
25		Section 4, definition of "Commission"— Before the definition of "Domestic use", insert:— "Commission" means the Water Resources Commission constituted under section 4 of the Water Resources Commission Act, 1976.
30		Section 4, definition of "Prescribed"— Omit the definition. Section 4, definition of "The Trust"— Omit the definition. Part II, heading— Omit the heading, insert instead:— PART II. <i>Administration.</i>
35		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.
40		Sections 6-9— Omit the sections.
45		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- mission. poses of this Act:— (a) so much of the irri- gation area as is vested in the Commission at
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*Water Resources Commission.*SCHEDULE 6—*continued.*AMENDMENTS TO OTHER ACTS—*continued.*

Column 1.		Column 2.
5	Year and number of Act.	Short title of Act.
10	15	20
25	30	35
40	45	50
	1902, No. 78— <i>continued.</i>	Balranald Irrigation Act, 1902— <i>continued.</i>
		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 heading.
		Section 11 (1)— Omit "Trust" wherever occurring, insert instead "Commission".

*Water Resources Commission.*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— <i>continued.</i>	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 “require the Commission”.
20		Section 11 (2)— Omit “such Trust”, insert instead “the Commission”.
		Section 11 (3)— Omit “Trust”, insert instead “Commission.”
25		Sections 12–15— Omit the sections.
		Section 16 (2)— Omit the subsection.
30		Section 17— Omit the section.
		Sections 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28— Omit “Trust” wherever occurring, insert instead “Commission”.
35		Section 29 (1), (2)— Omit “Trust” wherever occurring, insert instead “Commission”.
		Section 29 (4)— Omit “Trust Funds”, insert instead “funds of the Commission”.
40		Sections 30, 31, 32— Omit “Trust” wherever occurring, insert instead “Commission”.
		Section 33 (1), (3)— Omit “Trust” wherever occurring, insert instead “Commission”.
45		Section 33 (4)— Omit “Trust” where firstly occurring, insert instead “Commission”.
		Section 33 (4)— Omit “Trust” where secondly occurring, insert instead “Commission under this Act”.
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*Water Resources Commission.*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— <i>continued.</i>	Balranald Irrigation Act, 1902— <i>continued.</i>
15		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 carrying out or giving effect to this Act and, in particular, for or with respect to—
20		(a) the administration and maintenance of the works constructed pursuant to this Act;
25		(b) the conditions on which water shall be supplied;
30		(c) the mode of assessing property and levying rates; and
35		(d) the ensuring of bona fide settlement, improvement and cultivation of land within the irrigation area, and all matters relating thereto.
40		(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.
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*Water Resources Commission.*SCHEDULE 6—*continued.*AMENDMENTS TO OTHER ACTS—*continued.*

Column 1.		Column 2.
5	Year and number of Act.	Short title of Act.
10	15	20
25	30	35
40	45	50
	1902, No. 78— <i>continued.</i>	Balranald Irrigation Act, 1902— <i>continued.</i>
		(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 Interpretation (Amendment) Act, 1969.
		Section 35— Omit the section, insert instead:— Regulations. 35. (1) The Governor may make regulations, not inconsistent 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 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”.

*Water Resources Commission.*SCHEDULE 6—*continued.*AMENDMENTS TO OTHER ACTS—*continued.*

Column 1.		Column 2.
5	Year and number of Act.	Short title of Act.
10	15	20
25	30	35
40	45	50
	1902, No. 78— <i>continued.</i>	Balranald Irrigation Act, 1902— <i>continued.</i>
		Section 50— Omit "Trust", insert instead "Commission under this Act". Section 53— Omit the section. Second Schedule, heading— Omit " <i>and regulations</i> ". 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)— Omit "Water Conservation and Irrigation".
	1913, No. 7..	Crown Lands Consolidation Act, 1913.
		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 "the Water Resources Commission".
	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". Section 13 (2) (b)— Omit "The Water Conservation and Irrigation Commission", insert instead "the Water Resources Commission".

*Water Resources Commission.*SCHEDULE 6—*continued.*AMENDMENTS TO OTHER ACTS—*continued.*

Column 1.		Column 2.
5	Year and number of Act.	Short title of Act.
10	15	20
25	30	35
40	45	50
	1915, No. 8— <i>continued.</i>	River Murray Waters Act, 1915— <i>continued.</i>
		Section 13 (2)— Omit "The Water Conservation and Irrigation Commission" where lastly occurring, insert instead "the Water Resources Commission".
		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 Irrigation Commission" wherever occurring, insert instead "the Water Resources Commission".
		Section 16 (a)— Omit "The Water Conservation and 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 Commission".
	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 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.
		Long title— Omit "Conservation and Irrigation", insert instead "Resources".
		Section 2, 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.

*Water Resources Commission.*SCHEDULE 6—*continued.*AMENDMENTS TO OTHER ACTS—*continued.*

Column 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.
15		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".
20	1948, No. 20..	Rivers and Foreshores Improvement Act, 1948.
25		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 Conservation and Irrigation".
30		Section 2, definition of "The Commission"— Omit the definition.
35	1956, No. 10..	Hunter Valley Flood Mitigation Act, 1956.
40	1957, No. 28..	Attachment of Wages Limitation Act, 1957.
45	1970, No. 78..	Clean Waters Act, 1970.
50		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. Schedule— Omit "Conservation and Irrigation", insert instead "Resources". 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.	
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 administering the Water Resources Commission Act, 1976;
15	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 under section 4 of the Water Resources Commission Act, 1976;
20	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;
25			
30	1976, No. 4 ..	Statutory and Other Offices Remuneration Act, 1975.	Schedule 2, Part 1— Omit— Chief Commissioner (under the Irrigation 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 full-time commissioner.
35			
40			

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

New South Wales



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.]

BE

Water Resources Commission.

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

Short title.

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

Commence-
ment.

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.

Interpre-
tation.

3. (1) In this Act, except so far as the context or subject-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 (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

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 Chief Commissioner who is hereby incorporated as a corporation sole under the corporate name of “Water Resources Commission”. Constitution 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)

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.

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)

Appoint-
ment of
commis-
sioners.

Terms of
appoint-
ment of
Chief
Commis-
sioner and
commis-
sioners.

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 re-appointment 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 of 65 years; or

(ii)

Water Resources Commission.

(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.

(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 officers and employees as are necessary to enable it to exercise and perform its powers, authorities, duties and functions under this or any other Act. Appointment
of officers
and
employees
of
Commission.

(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).

(6)

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)

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;
- (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;
- (l) 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)

Water Resources Commission.

- (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)

Water Resources Commission.

- (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)

Water Resources Commission.

(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.

Water Resources Commission.

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

Appointment
of com-
mittees,
etc., and
delegations.

(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)

Water Resources Commission.

(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.

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 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 proceeding has been committed in the execution of this Act 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 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

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.

Savings and transitional provisions.

17. Schedule 4 has effect.

Amendment of Irrigation Act, 1912.

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

Amendments to other Acts.

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.

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

Water Resources Commission.

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 commissioner, to act in the office of a full-time commissioner or of a part-time commissioner while that commissioner is absent from his office through illness or other cause or is acting as Chief Commissioner, and the person so appointed shall, while so acting, be deemed to be a full-time commissioner or a part-time commissioner, as the case may be, and have the immunities, powers, authorities, duties and functions of the commissioner in whose office he is acting.

Appointment of substitutes to act during absence of Chief Commissioner and commissioners.

(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).

Water Resources Commission.

 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

*Water Resources Commission.*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, fund or arrangement under which any superannuation or retirement benefits are provided and which is established by or under any Act.

Preservation
of certain
rights of
Chief Com-
missioner
and com-
missioners.

(2) Subject to subclause (3) and to the terms of his appointment, 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

Water Resources Commission.

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

*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—

“officer or employee of a prescribed authority” does not include the Chief Commissioner, a commissioner or a member of any other statutory body;

“prescribed authority” means the Commission and any other statutory 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 full-time 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

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

Water Resources Commission.

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.

Sec. 9.

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
on attaining
65 years
of age to
retire
unless
called on
to continue.

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

Water Resources Commission.

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.

Sec. 10.

EXTENDED LEAVE.

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

Water Resources Commission.

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

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.

(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, 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 an officer of the Commission has acquired a right under clause 1 (1) to extended leave with pay and dies before commencing it or after commencing it dies before its termination—

Payment of money value of leave not taken or completed.

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

Water Resources Commission.

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 or an officer of the Commission has acquired a right to extended leave with pay under clause 1 (1) or (3), he shall, on vacating his 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. **Gratuity instead of extended leave.**

(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 continuation of, and the same legal entity as, the corporation constituted under section 4A of the Irrigation Act, 1912, as in force immediately before the commencement of section 18. **The Commission.**

SCHEDULE

Water Resources Commission.

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 com-
missioners.

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
employees of
Commission.

3. (1) The employment of all persons who, immediately before the commencement of section 18, were employed by The Water 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

Water Resources Commission.

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 Irrigation 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;”.

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.

SCHEDULE

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

*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

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)—

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 11I—

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”.

SCHEDULE

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 19I—

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”.

Water Resources Commission.

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.	<p>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”.</p> <p>Section 2— Omit “ “Municipalities Act of 1867,” or the “Country Towns Water and Sewerage Act of 1880,” ”, insert instead “Local Government Act, 1919,”.</p> <p>Section 4, definition of “Commission”— After the definition of “Bank”, insert:— “Commission” means the Water Resources Commission constituted under section 4 of the Water Resources Commission Act, 1976.</p> <p>Section 4, definition of “Owner”— Omit “The Water Conservation and Irrigation Commission”, insert instead “the Commission”.</p> <p>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.</p> <p>Section 4, definition of “The Trust”— Omit the definition.</p> <p>Section 4— Omit the matter relating to Parts II, III and IV, insert instead:— PART II.—<i>Administration.</i></p> <p>Part II, heading— Omit “<i>Constitution of Trust.</i>”, insert instead “<i>Administration.</i>”.</p>

*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 — <i>continued.</i>	Wentworth Irrigation Act— <i>continued.</i>	<p>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.</p> <p>Sections 6-9— Omit the sections.</p> <p>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 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</p>

*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 — <i>continued.</i>	Wentworth Irrigation Act— <i>continued.</i>	<p>(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.</p> <p>(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.</p> <p>(3) Nothing in this Act shall be construed 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.</p> <p>Part III, heading— Omit the heading.</p> <p>Section 11— Omit "Trust" where firstly occurring, insert instead "Commission".</p> <p>Section 11 (VI)— Omit "by the Trust", insert instead "under this Act by the Commission".</p> <p>Section 11 (VI)— Omit "require the Trust", insert instead "require the Commission".</p> <p>Section 11— Omit "authorize the Trust", insert instead "authorize the Commission".</p> <p>Sections 12-16— Omit the sections.</p>

*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— <i>continued.</i>	Wentworth Irrigation Act — <i>continued.</i>	<p>Section 17— Omit "And it shall be lawful for the Minister 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."</p> <p>Section 18— Omit the section.</p> <p>Sections 19, 20, 21, 22— Omit "Trust" wherever occurring, insert instead "Commission".</p> <p>Section 22A (1)— Omit "Water Conservation and Irrigation Commission (hereinafter in this section referred to as the Commission)", insert instead "Commission".</p> <p>Sections 23, 24— Omit "Trust" wherever occurring, insert instead "Commission".</p> <p>Section 25— Omit "Trust" where firstly occurring, insert instead "Commission under this Act".</p> <p>Section 25— Omit "Trust" where secondly, thirdly and fourthly occurring, insert instead "Commission".</p> <p>Section 26— Omit "Trust", insert instead "Commission".</p> <p>Section 27— Omit "Trust" where firstly, secondly and thirdly occurring, insert instead "Commission".</p> <p>Section 27— Omit "Trust Funds", insert instead "funds of the Commission".</p> <p>Sections 28, 29, 30— Omit "Trust" wherever occurring, insert instead "Commission".</p> <p>Section 31 (1)— Omit "Water Conservation and Irrigation".</p> <p>Section 31 (2) (a)— Omit "said" wherever occurring.</p>

*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— <i>continued.</i>	Wentworth Irrigation Act — <i>continued.</i>	<p>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 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 carrying out or giving effect to this Act and, in particular, for or with respect to—</p> <ul style="list-style-type: none"> (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 conditions on which the water shall be supplied; and (c) the time and manner of payment of the rate fixed by the Commission. <p>(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.</p> <p>(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 Interpretation (Amendment) Act, 1969.</p>

*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— <i>continued.</i>	Wentworth Irrigation Act — <i>continued.</i>	<p>Section 33— Omit the section, insert instead:— Regulations.</p> <p>33. (1) The Governor may make regulations, not inconsistent 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.</p> <p>(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.</p> <p>Part IV— Omit the Part.</p> <p>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”.</p> <p>Section 47 (d)— Omit “Trust”, insert instead “Commission under this Act”.</p> <p>Section 47 (e)— Omit “by the Trust” wherever occurring, insert instead “under this Act by the Commission”.</p> <p>Section 47— After “two Justices”, insert “or a stipendiary magistrate sitting alone”.</p> <p>Section 48— Omit “Trust”, insert instead “Commission under this Act”.</p>

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— <i>continued.</i>	Wentworth Irrigation Act— <i>continued.</i>	Section 48— After “two Justices”, insert “or a stipendiary magistrate sitting alone”. Section 49— After “two Justices”, insert “or a 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 and IV, insert instead:— Part II.— <i>Administration</i> — <i>ss.</i> 6–29. Section 3— Omit “Municipalities Act, 1897, or the 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 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— Omit the heading, insert instead:— PART II. <i>Administration.</i> 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 provisions of the Irrigation Act, 1912, the Water Act, 1912, and the Water Resources Commission Act, 1976. Sections 7–10— Omit the sections.

*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— <i>continued.</i>	Hay Irrigation Act, 1902— <i>continued.</i>	<p>Property vested in the Commission.</p> <p>11. (1) The following property shall continue to be vested in the Commission for the purposes of this Act:—</p> <p>(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;</p> <p>(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</p> <p>(c) the water which is at any time in any pipe, reservoir, creek, dam or other work constructed pursuant to this Act.</p> <p>(2) The property referred to in subsection (1) shall be held and administered by the Commission, subject to the provisions of this Act.</p>

*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— <i>continued.</i>	Hay Irrigation Act, 1902— <i>continued.</i>	<p>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.</p> <p>Part III, heading— Omit the heading.</p> <p>Section 13 (1)— Omit “trust”, insert instead “Commission”.</p> <p>Section 13 (2)— Omit “by the trust”, insert instead “under this Act by the Commission”.</p> <p>Section 13 (2)— Omit “require the trust”, insert instead “require the Commission”.</p> <p>Section 13 (3)— Omit “trust”, insert instead “Commission”.</p> <p>Section 14— Omit “trust in pursuance of this Act”, insert instead “Commission”.</p> <p>Section 14— Omit “compensated by the trust”, insert instead “compensated by the Commission”.</p> <p>Sections 15, 16, 17— Omit “trust” wherever occurring, insert instead “Commission”.</p> <p>Section 17A (1) (a)— Omit “the Water Conservation and Irrigation Commission (hereinafter in this section referred to as “the Commission””, insert instead “the Commission”.</p> <p>Sections 18, 19, 20, 21, 22, 23 (1), (2), 24— Omit “trust” wherever occurring, insert instead “Commission”.</p> <p>Section 23 (4)— Omit “trust funds”, insert instead “funds of the Commission”.</p> <p>Section 25 (1)— Omit “Water Conservation and Irrigation”.</p> <p>Section 25 (2), (3), (4)— Omit “said” wherever occurring.</p> <p>Section 26 (2)— Omit “trust”, insert instead “Commission”.</p>

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— <i>continued.</i>	Hay Irrigation Act, 1902— <i>continued.</i>	<p>Section 26 (4)— Omit the subsection.</p> <p>Section 27— Omit "trust" wherever occurring, insert instead "Commission".</p> <p>Section 28— Omit the section, insert instead:</p> <p>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 permitted 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—</p> <ol style="list-style-type: none"> (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. <p>(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.</p> <p>(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 Interpretation (Amendment) Act, 1969.</p>

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— <i>continued.</i>	Hay Irrigation Act, 1902— <i>continued.</i>	<p>Section 29— Omit the section, insert instead: Regulations. 29. (1) The Governor may make regulations, not inconsistent 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.</p> <p>(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.</p> <p>Part IV— Omit the Part.</p> <p>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”.</p> <p>Section 42 (d)— Omit “trust”, insert instead “Commission under this Act”.</p> <p>Section 42 (e)— Omit “by the trust” wherever occurring, insert instead “under this Act by the Commission”.</p> <p>Section 43— Omit “trust” wherever occurring, insert instead “Commission”.</p> <p>Section 44— Omit “trust”, insert instead “Commission under this Act”.</p> <p>Section 47— Omit the section.</p> <p>Second Schedule— Omit “Water Conservation and Irrigation”.</p>

*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. 78..	Balranald Irrigation Act, 1902.	<p>Section 1— Omit the matter relating to Parts II, III and IV, insert instead:— PART II.—<i>Administration—ss. 5–35.</i></p> <p>Section 2 (5)— Omit “Municipalities Act, 1897, or the Country Towns Water and Sewerage Act of 1880”, insert instead “Local Government Act, 1919”.</p> <p>Section 4, definition of “Commission”— Before the definition of “Domestic use”, insert:— “Commission” means the Water Resources Commission constituted under section 4 of the Water Resources Commission Act, 1976.</p> <p>Section 4, definition of “Prescribed”— Omit the definition.</p> <p>Section 4, definition of “The Trust”— Omit the definition.</p> <p>Part II, heading— Omit the heading, insert instead:— PART II. <i>Administration.</i></p> <p>Section 5— Omit the section, insert instead: Administration 5. This Act shall be administered 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.</p> <p>Sections 6–9— Omit the sections.</p> <p>Section 10— Omit the section, insert instead:— Property 10. (1) The following property shall continue to be vested in the Commission for the purposes of this Act:— (a) so much of the irrigation area as is vested in the Commission at</p>

*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. 78— <i>continued.</i>	Balranald Irrigation Act, 1902— <i>continued.</i>	<p>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;</p> <p>(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</p> <p>(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.</p> <p>(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.</p> <p>Part III, heading— Omit the heading. Section 11 (1)— Omit "Trust" wherever occurring, insert instead "Commission".</p>

*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. 78— <i>continued.</i>	Balranald Irrigation Act, 1902— <i>continued.</i>	<p>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”.</p> <p>Section 11 (2)— Omit “by the Trust”, insert instead “under this Act by the Commission”.</p> <p>Section 11 (2)— Omit “require the Trust”, insert instead “require the Commission”.</p> <p>Section 11 (2)— Omit “such Trust”, insert instead “the Commission”.</p> <p>Section 11 (3)— Omit “Trust”, insert instead “Commission.”</p> <p>Sections 12–15— Omit the sections.</p> <p>Section 16 (2)— Omit the subsection.</p> <p>Section 17— Omit the section.</p> <p>Sections 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28— Omit “Trust” wherever occurring, insert instead “Commission”.</p> <p>Section 29 (1), (2)— Omit “Trust” wherever occurring, insert instead “Commission”.</p> <p>Section 29 (4)— Omit “Trust Funds”, insert instead “funds of the Commission”.</p> <p>Sections 30, 31, 32— Omit “Trust” wherever occurring, insert instead “Commission”.</p> <p>Section 33 (1), (3)— Omit “Trust” wherever occurring, insert instead “Commission”.</p> <p>Section 33 (4)— Omit “Trust” where firstly occurring, insert instead “Commission”.</p> <p>Section 33 (4)— Omit “Trust” where secondly occurring, insert instead “Commission under this Act”.</p>

*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. 78— <i>continued.</i>	Balranald Irrigation Act, 1902— <i>continued.</i>	<p>Section 34— Omit the section, insert instead:— By-laws.</p> <p>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 carrying out or giving effect to this Act and, in particular, for or with respect to—</p> <ul style="list-style-type: none"> (a) the administration and maintenance of the works constructed pursuant 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, improvement and cultivation of land within the irrigation area, and all matters relating thereto. <p>(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.</p>

*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. 78— <i>continued.</i>	Balranald Irrigation Act, 1902— <i>continued.</i>	<p>(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 Interpretation (Amendment) Act, 1969.</p> <p>Section 35— Omit the section, insert instead:— Regulations. 35. (1) The Governor may make regulations, not inconsistent 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.</p> <p>(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.</p> <p>Part IV— Omit the Part.</p> <p>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”.</p> <p>Section 49 (d)— Omit “Trust”, insert instead “Commission under this Act”.</p> <p>Section 49 (e)— Omit “by the Trust” wherever occurring, insert instead “under this Act by the Commission”.</p>

*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. 78— <i>continued.</i>	Balranald Irrigation Act, 1902— <i>continued.</i>	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)— Omit "Water Conservation and Irrigation".
1913, No. 7..	Crown Lands Consolidation Act, 1913.	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 "the Water Resources Commission".
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". Section 13 (2) (b)— Omit "The Water Conservation and Irrigation Commission", insert instead "the Water Resources Commission".

*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— <i>continued.</i>	River Murray Waters Act, 1915— <i>continued.</i>	Section 13 (2)— Omit "The Water Conservation and Irrigation Commission" where lastly occurring, insert instead "the Water Resources Commission". 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 Irrigation Commission" wherever occurring, insert instead "the Water Resources Commission". Section 16 (a)— Omit "The Water Conservation and 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 Commission".
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 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.	Long title— Omit "Conservation and Irrigation", insert instead "Resources". Section 2, 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.

Water Resources Commission.

 SCHEDULE 6—*continued.*

 AMENDMENTS TO OTHER ACTS—*continued.*

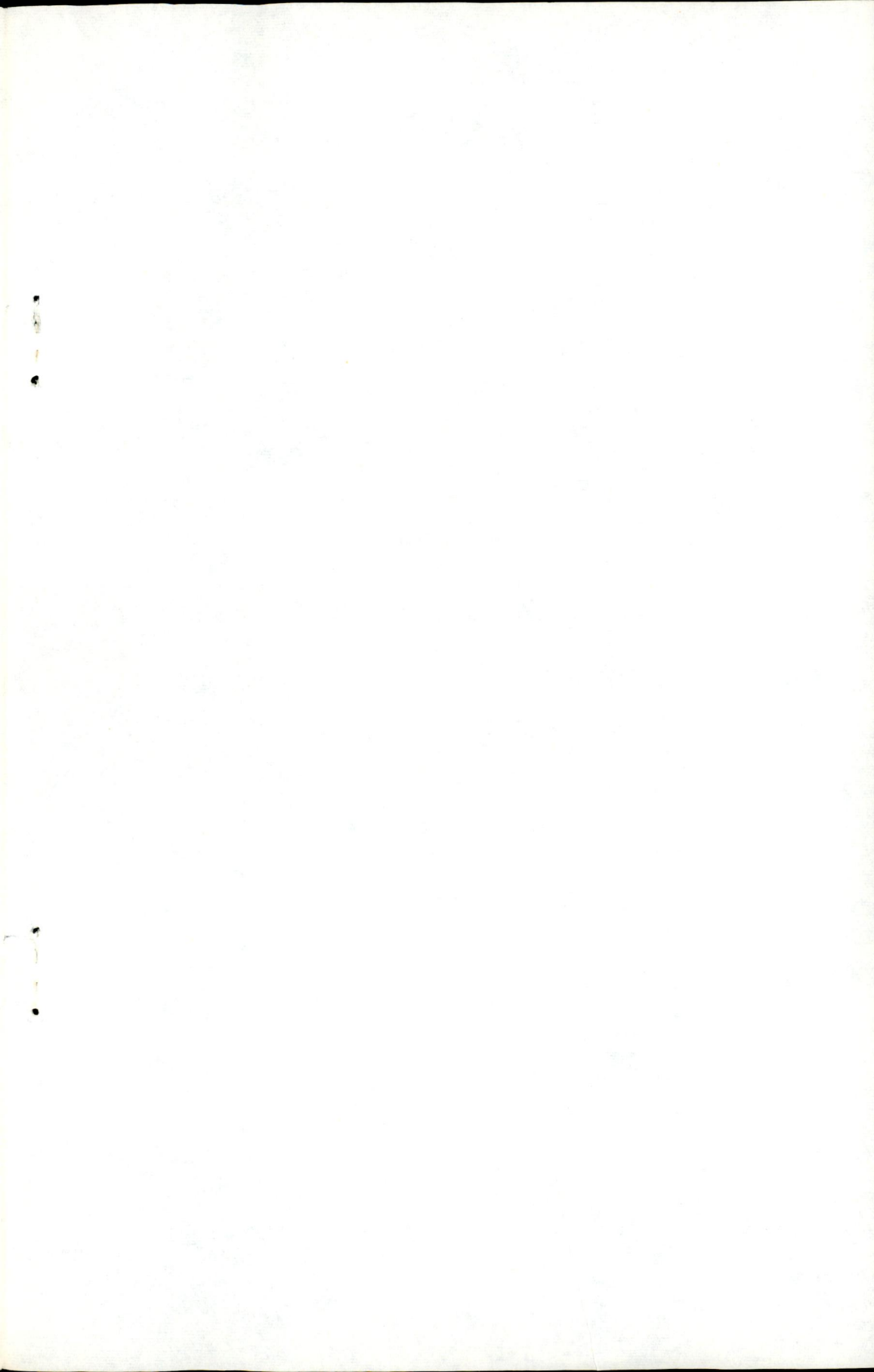
Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Amendment.
1947, No. 10..	New South Wales-Queensland Border Rivers Act, 1947.	Section 4, definition of "Controlling Authority"— Omit "Conservation and Irrigation", insert instead "Resources". Section 14— Omit "Conservation and Irrigation" wherever occurring, insert instead "Resources". Section 20— Omit "Conservation and Irrigation", insert 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 Conservation and Irrigation". Section 2, definition of "The Commission"— Omit the definition.
1956, No. 10..	Hunter Valley Flood Mitigation Act, 1956.	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.	Schedule— 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 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 administering 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 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 Remuneration Act, 1975.	Schedule 2, Part 1— Omit— Chief Commissioner (under the Irrigation 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 full-time commissioner.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1976



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

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

*Legislative Assembly Chamber,
Sydney, 30 March, 1976.*

New South Wales



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.]

BE

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

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

Water Resources Commission.

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

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

Commence- **2.** (1) This section and section 1 shall commence on the
ment. 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.

Interpre- **3.** (1) In this Act, except so far as the context or subject-
tation. 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 (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

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 Chief Commissioner who is hereby incorporated as a corporation sole under the corporate name of “Water Resources Commission”.

Constitution
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)

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.

Appoint-
ment of
commis-
sioners.

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
appoint-
ment of
Chief
Commis-
sioner and
commis-
sioners.

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 re-appointment 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 of 65 years; or

(ii)

Water Resources Commission.

(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.

(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 officers and employees as are necessary to enable it to exercise and perform its powers, authorities, duties and functions under this or any other Act.

Appointment
of officers
and
employees
of
Commission.

(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)

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)

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- (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;
- (l) 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)

Water Resources Commission.

- (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)

Water Resources Commission.

- (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)

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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 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.

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

(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)

Water Resources Commission.

(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) 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 proceeding has been committed in the execution of this Act 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. **Tender of amends.**

(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 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 **Regulations.**
out

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.

Savings and transitional provisions.

17. Schedule 4 has effect.

Amendment of Irrigation Act, 1912.

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

Amendments to other Acts.

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.

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

Water Resources Commission.

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 commissioner, to act in the office of a full-time commissioner or of a part-time commissioner while that commissioner is absent from his office through illness or other cause or is acting as Chief Commissioner, and the person so appointed shall, while so acting, be deemed to be a full-time commissioner or a part-time commissioner, as the case may be, and have the immunities, powers, authorities, duties and functions of the commissioner in whose office he is acting.

Appointment of substitutes to act during absence of Chief Commissioner and commissioners.

(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

Water Resources Commission.

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

Water Resources Commission.

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, fund or arrangement under which any superannuation or retirement benefits are provided and which is established by or under any Act.

Preservation of certain rights of Chief Commissioner and commissioners.

(2) Subject to subclause (3) and to the terms of his appointment, 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

Water Resources Commission.

 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

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—

“officer or employee of a prescribed authority” does not include the Chief Commissioner, a commissioner or a member of any other statutory body;

“prescribed authority” means the Commission and any other statutory 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 full-time 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.

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

(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

Water Resources Commission.

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 on attaining 65 years of age to retire unless called on to continue.

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

Water Resources Commission.

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.

Sec. 10.

EXTENDED LEAVE.

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

Water Resources Commission.

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

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.

(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 an officer of the Commission has acquired a right under clause 1 (1) to extended leave with pay and dies before commencing it or after commencing it dies before its termination—

Payment of money value of leave not taken or completed.

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

Water Resources Commission.

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

(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 continuation of, and the same legal entity as, the corporation constituted under section 4A of the Irrigation Act, 1912, as in force immediately before the commencement of section 18. The Commission.

SCHEDULE

Water Resources Commission.

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 com-
missioners.

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
employees of
the Commission.

3. (1) The employment of all persons who, immediately before the commencement of section 18, were employed by The Water 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

Water Resources Commission.

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 Irrigation 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

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.

SCHEDULE

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

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

Powers,
authorities,
duties and
functions of
Commission
under this
Act.

SCHEDULE

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.

SCHEDULE

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 11I—

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”.

SCHEDULE

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 19r—

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”.

SCHEDULE

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”.

Water Resources Commission.

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.	<p>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”.</p> <p>Section 2— Omit “ “Municipalities Act of 1867,” or the “Country Towns Water and Sewerage Act of 1880,” ”, insert instead “Local Government Act, 1919,”.</p> <p>Section 4, definition of “Commission”— After the definition of “Bank”, insert:— “Commission” means the Water Resources Commission constituted under section 4 of the Water Resources Commission Act, 1976.</p> <p>Section 4, definition of “Owner”— Omit “The Water Conservation and Irrigation Commission”, insert instead “the Commission”.</p> <p>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.</p> <p>Section 4, definition of “The Trust”— Omit the definition.</p> <p>Section 4— Omit the matter relating to Parts II, III and IV, insert instead:— PART II.—<i>Administration.</i></p> <p>Part II, heading— Omit “<i>Constitution of Trust.</i>”, insert instead “<i>Administration.</i>”.</p>

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 — <i>continued.</i>	Wentworth Irrigation Act— <i>continued.</i>	<p>Section 5— Omit the section, insert instead:— Administration of Act. 5. This Act shall be administered by the Commission and shall be read subject to the provisions of the Irrigation Act, 1912, the Water Act, 1912, and the Water Resources Commission Act, 1976.</p> <p>Sections 6–9— Omit the sections.</p> <p>Section 10— Omit the section, insert instead:— Property vested in the Commission. 10. (1) The following property shall continue to be vested in the Commission for the purposes of of this Act:—</p> <p>(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;</p> <p>(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</p>

*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 — <i>continued.</i>	Wentworth Irrigation Act— <i>continued.</i>	<p>(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.</p> <p>(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.</p> <p>(3) Nothing in this Act shall be construed 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.</p> <p>Part III, heading— Omit the heading.</p> <p>Section 11— Omit "Trust" where firstly occurring, insert instead "Commission".</p> <p>Section 11 (VI)— Omit "by the Trust", insert instead "under this Act by the Commission".</p> <p>Section 11 (VI)— Omit "require the Trust", insert instead "require the Commission".</p> <p>Section 11— Omit "authorize the Trust", insert instead "authorize the Commission".</p> <p>Sections 12-16— Omit the sections.</p>

*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— <i>continued.</i>	Wentworth Irrigation Act — <i>continued.</i>	<p>Section 17— Omit "And it shall be lawful for the Minister 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."</p> <p>Section 18— Omit the section.</p> <p>Sections 19, 20, 21, 22— Omit "Trust" wherever occurring, insert instead "Commission".</p> <p>Section 22A (1)— Omit "Water Conservation and Irrigation Commission (hereinafter in this section referred to as the Commission)", insert instead "Commission".</p> <p>Sections 23, 24— Omit "Trust" wherever occurring, insert instead "Commission".</p> <p>Section 25— Omit "Trust" where firstly occurring, insert instead "Commission under this Act".</p> <p>Section 25— Omit "Trust" where secondly, thirdly and fourthly occurring, insert instead "Commission".</p> <p>Section 26— Omit "Trust", insert instead "Commission".</p> <p>Section 27— Omit "Trust" where firstly, secondly and thirdly occurring, insert instead "Commission".</p> <p>Section 27— Omit "Trust Funds", insert instead "funds of the Commission".</p> <p>Sections 28, 29, 30— Omit "Trust" wherever occurring, insert instead "Commission".</p> <p>Section 31 (1)— Omit "Water Conservation and Irrigation".</p> <p>Section 31 (2) (a)— Omit "said" wherever occurring.</p>

*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— <i>continued.</i>	Wentworth Irrigation Act— <i>continued.</i>	<p>Section 32— Omit the section, insert instead:— By-laws.</p> <p>32. (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 permitted 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—</p> <ul style="list-style-type: none"> (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 conditions on which the water shall be supplied; and (c) the time and manner of payment of the rate fixed by the Commission. <p>(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.</p> <p>(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 Interpretation (Amendment) Act, 1969.</p>

*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— <i>continued.</i>	Wentworth Irrigation Act — <i>continued.</i>	<p>Section 33— Omit the section, insert instead:—</p> <p>33. (1) The Governor may make regulations, not inconsistent 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.</p> <p>(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.</p> <p>Part IV— Omit the Part.</p> <p>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”.</p> <p>Section 47 (d)— Omit “Trust”, insert instead “Commission under this Act”.</p> <p>Section 47 (e)— Omit “by the Trust” wherever occurring, insert instead “under this Act by the Commission”.</p> <p>Section 47— After “two Justices”, insert “or a stipendiary magistrate sitting alone”.</p> <p>Section 48— Omit “Trust”, insert instead “Commission under this Act”.</p>

*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— <i>continued.</i>	Wentworth Irrigation Act— <i>continued.</i>	Section 48— After “two Justices”, insert “or a stipendiary magistrate sitting alone”. Section 49— After “two Justices”, insert “or a 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 and IV, insert instead:— Part II.— <i>Administration</i> — <i>ss. 6-29.</i> Section 3— Omit “Municipalities Act, 1897, or the 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 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— Omit the heading, insert instead:— PART II. <i>Administration.</i> 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 provisions of the Irrigation Act, 1912, the Water Act, 1912, and the Water Resources Commission Act, 1976. Sections 7-10— Omit the sections.

*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— <i>continued.</i>	Hay Irrigation Act, 1902— <i>continued.</i>	<p>Property vested in the Commission.</p> <p>11. (1) The following property shall continue to be vested in the Commission for the purposes of this Act:—</p> <ul style="list-style-type: none"> (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, 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 pipe, reservoir, creek, dam or other work constructed pursuant to this Act. <p>(2) The property referred to in subsection (1) shall be held and administered by the Commission, subject to the provisions of this Act.</p>

*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— <i>continued.</i>	Hay Irrigation Act, 1902— <i>continued.</i>	<p>Alteration 12. The Governor may, by notice published in the Gazette, amend the Second Schedule by altering the boundaries described in that Schedule.</p> <p>Part III, heading— Omit the heading.</p> <p>Section 13 (1)— Omit "trust", insert instead "Commission".</p> <p>Section 13 (2)— Omit "by the trust", insert instead "under this Act by the Commission".</p> <p>Section 13 (2)— Omit "require the trust", insert instead "require the Commission".</p> <p>Section 13 (3)— Omit "trust", insert instead "Commission".</p> <p>Section 14— Omit "trust in pursuance of this Act", insert instead "Commission".</p> <p>Section 14— Omit "compensated by the trust", insert instead "compensated by the Commission".</p> <p>Sections 15, 16, 17— Omit "trust" wherever occurring, insert instead "Commission".</p> <p>Section 17A (1) (a)— Omit "the Water Conservation and Irrigation Commission (hereinafter in this section referred to as "the Commission")", insert instead "the Commission".</p> <p>Sections 18, 19, 20, 21, 22, 23 (1), (2), 24— Omit "trust" wherever occurring, insert instead "Commission".</p> <p>Section 23 (4)— Omit "trust funds", insert instead "funds of the Commission".</p> <p>Section 25 (1)— Omit "Water Conservation and Irrigation".</p> <p>Section 25 (2), (3), (4)— Omit "said" wherever occurring.</p> <p>Section 26 (2)— Omit "trust", insert instead "Commission".</p>

*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— <i>continued.</i>	Hay Irrigation Act, 1902— <i>continued.</i>	<p>Section 26 (4)— Omit the subsection.</p> <p>Section 27— Omit "trust" wherever occurring, insert instead "Commission".</p> <p>Section 28— Omit the section, insert instead:</p> <p>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 permitted 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—</p> <ul style="list-style-type: none"> (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. <p>(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.</p> <p>(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 Interpretation (Amendment) Act, 1969.</p>

*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— <i>continued.</i>	Hay Irrigation Act, 1902— <i>continued.</i>	<p>Section 29— Omit the section, insert instead: Regulations. 29. (1) The Governor may make regulations, not inconsistent 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 Interpretation (Amendment) Act, 1969.</p> <p>Part IV— Omit the Part.</p> <p>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”.</p> <p>Section 42 (d)— Omit “trust”, insert instead “Commission under this Act”.</p> <p>Section 42 (e)— Omit “by the trust” wherever occurring, insert instead “under this Act by the Commission”.</p> <p>Section 43— Omit “trust” wherever occurring, insert instead “Commission”.</p> <p>Section 44— Omit “trust”, insert instead “Commission under this Act”.</p> <p>Section 47— Omit the section.</p> <p>Second Schedule— Omit “Water Conservation and Irrigation”.</p>

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. 78..	Balranald Irrigation Act, 1902.	<p>Section 1— Omit the matter relating to Parts II, III and IV, insert instead:— PART II.—<i>Administration</i>—<i>ss.</i> 5-35.</p> <p>Section 2 (5)— Omit “Municipalities Act, 1897, or the Country Towns Water and Sewerage Act of 1880”, insert instead “Local Government Act, 1919”.</p> <p>Section 4, definition of “Commission”— Before the definition of “Domestic use”, insert:— “Commission” means the Water Resources Commission constituted under section 4 of the Water Resources Commission Act, 1976.</p> <p>Section 4, definition of “Prescribed”— Omit the definition.</p> <p>Section 4, definition of “The Trust”— Omit the definition.</p> <p>Part II, heading— Omit the heading, insert instead:— PART II. <i>Administration.</i></p> <p>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.</p> <p>Sections 6-9— Omit the sections.</p> <p>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- mission. poses of this Act:— (a) so much of the irri- gation area as is vested in the Commission at</p>

*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. 78— <i>continued.</i>	Balranald Irrigation Act, 1902— <i>continued.</i>	<p>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;</p> <p>(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</p> <p>(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.</p> <p>(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.</p> <p>Part III, heading— Omit the heading. Section 11 (1)— Omit "Trust" wherever occurring, insert instead "Commission".</p>

*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. 78— <i>continued.</i>	Balranald Irrigation Act, 1902— <i>continued.</i>	<p>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”.</p> <p>Section 11 (2)— Omit “by the Trust”, insert instead “under this Act by the Commission”.</p> <p>Section 11 (2)— Omit “require the Trust”, insert instead “require the Commission”.</p> <p>Section 11 (2)— Omit “such Trust”, insert instead “the Commission”.</p> <p>Section 11 (3)— Omit “Trust”, insert instead “Commission.”</p> <p>Sections 12-15— Omit the sections.</p> <p>Section 16 (2)— Omit the subsection.</p> <p>Section 17— Omit the section.</p> <p>Sections 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28— Omit “Trust” wherever occurring, insert instead “Commission”.</p> <p>Section 29 (1), (2)— Omit “Trust” wherever occurring, insert instead “Commission”.</p> <p>Section 29 (4)— Omit “Trust Funds”, insert instead “funds of the Commission”.</p> <p>Sections 30, 31, 32— Omit “Trust” wherever occurring, insert instead “Commission”.</p> <p>Section 33 (1), (3)— Omit “Trust” wherever occurring, insert instead “Commission”.</p> <p>Section 33 (4)— Omit “Trust” where firstly occurring, insert instead “Commission”.</p> <p>Section 33 (4)— Omit “Trust” where secondly occurring, insert instead “Commission under this Act”.</p>

*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. 78— <i>continued.</i>	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 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 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 conditions on which water shall be supplied; (c) the mode of assessing property and levying rates; and (d) the ensuring of bona fide settlement, improvement and cultivation 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.

*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. 78— <i>continued.</i>	Balranald Irrigation Act, 1902— <i>continued.</i>	<p>(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 Interpretation (Amendment) Act, 1969.</p> <p>Section 35— Omit the section, insert instead:— Regulations. 35. (1) The Governor may make regulations, not inconsistent 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.</p> <p>(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.</p> <p>Part IV— Omit the Part.</p> <p>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”.</p> <p>Section 49 (d)— Omit “Trust”, insert instead “Commission under this Act”.</p> <p>Section 49 (e)— Omit “by the Trust” wherever occurring, insert instead “under this Act by the Commission”.</p>

*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. 78— <i>continued.</i>	Balranald Irrigation Act, 1902— <i>continued.</i>	Section 50— Omit "Trust", insert instead "Commission under this Act". Section 53— Omit the section. Second Schedule, heading— Omit " <i>and regulations</i> ". 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)— 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.
1913, No. 7..	Crown Lands Consolidation Act, 1913.	Section 5 (1), definition of "The Commission"— Omit the definition. Section 25A (4)— Omit "The Water Conservation and Irrigation Commission", insert instead "the Water Resources Commission".
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". Section 13 (2) (b)— Omit "The Water Conservation and Irrigation Commission", insert instead "the Water Resources Commission".

*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— <i>continued.</i>	River Murray Waters Act, 1915— <i>continued.</i>	Section 13 (2)— Omit "The Water Conservation and Irrigation Commission" where lastly occurring, insert instead "the Water Resources Commission". 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 Irrigation Commission" wherever occurring, insert instead "the Water Resources Commission". Section 16 (a)— Omit "The Water Conservation and 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 Commission".
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 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.	Long title— Omit "Conservation and Irrigation", insert instead "Resources". Section 2, 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.

*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 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 Conservation and Irrigation". Section 2, definition of "The Commission"— Omit the definition.
1956, No. 10..	Hunter Valley Flood Mitigation Act, 1956.	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.	Schedule— 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 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 administering 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 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 Remuneration Act, 1975.	Schedule 2, Part 1— Omit— Chief Commissioner (under the Irrigation 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 full-time commissioner.

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

A. R. CUTLER,
Governor.

*Government House,
Sydney, 1st April, 1976.*

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