

Queensland



ANNO OCTAVO

ELIZABETHAE SECUNDAE REGINAE.

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No. 71.

An Act to Amend "The River Improvement Trust Acts, 1940 to 1959," in certain particulars.

[ASSENTED TO 23RD DECEMBER, 1959.]

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

1. (1.) This Act may be cited as "*The River Improvement Trust Acts Amendment Act of 1959 (No. 2)*." Short title.

(2.) "*The River Improvement Trust Acts, 1940 to 1959*," are herein referred to as the Principal Act. Principal Act.

(3.) The Principal Act and this Act may be collectively cited as "*The River Improvement Trust Acts, 1940 to 1959*." Collective title.

Amendments
of s. 5.

2. (1.) Section five of the Principal Act is amended—

(a) By repealing paragraph (ii.) of subsection one thereof and inserting, in lieu of that repealed paragraph, the following paragraph :—

“(ii.) Two representatives of, and appointed by, each Local Authority the area or any part of the area of which is included in the benefited area for which the Trust is constituted.”;

(b) By repealing the proviso to subsection one thereof and inserting, in lieu of that repealed proviso, the following paragraph :—

“The two members of a Trust representative of any Local Authority shall be members of such Local Authority and its chairman may be appointed one such representative.”;

(c) By repealing the second and third paragraphs of subsection two thereof and inserting, in lieu of those repealed paragraphs, the following paragraph :—

“Every member of the Trust representative of any Local Authority shall hold office as such at the pleasure of the Local Authority.”; and

(d) By repealing subsection three thereof and inserting, in lieu of that repealed subsection, the following subsection :—

“(3.) If any member of the Trust representative of any Local Authority fails or refuses to act as such, or is absent without leave from three consecutive ordinary meetings of the Trust, he shall be deemed to have vacated office as such member.

If the office of a member of the Trust representative of any Local Authority becomes vacant under this subsection, or for any other reason whatsoever, such Local Authority may appoint another of its members to such vacant office and, if such Local Authority fails to do so within seven days after being thereunto required in writing by the Minister, the Governor in Council may appoint a person (who need not be a member of such Local Authority) to such vacant office.

Any person appointed under this subsection by the Governor in Council shall hold office as a member of the Trust at the pleasure of the Governor in Council.”

(2.) Any Local Authority, which immediately prior to the passing of this Act has one representative only upon any Trust shall as soon as may be after the passing of this Act appoint, pursuant to the Principal Act as amended by this Act, a second such representative. Appointment of second representative, &c.

3. Section six of the Principal Act is amended by repealing subsection one thereof and inserting, in lieu of that repealed subsection, the following subsection:— Amendment of s. 6.

“(1.) The Trust shall appoint a secretary and may appoint such other officers as it deems necessary.”

The Trust may with the consent of any Local Authority represented thereon appoint the clerk of such Local Authority to be its secretary, and such clerk may hold both offices.”

4. Subsection one of section ten of the Principal Act is amended by adding thereto the following further proviso:— Amendment of s. 10 (1).

“Provided further that any such works which will interfere with, damage, or prejudice otherwise howsoever any works or undertakings of the Crown, any Local Authority, any Electric Authority, or any corporation, instrumentality or authority (other than a Harbour Board) created by or under any Act, or which are objected to by any of the aforesaid on the ground of interference, damage or prejudice as aforesaid, shall not be undertaken by the Trust without agreement as to the steps and things to be taken and done for preventing or minimising any such interference, damage or prejudice or, failing such agreement, until such steps and things have been determined by the Governor in Council.”

5. Section fourteen of the Principal Act is amended— Amendment of s. 14.

(a) By inserting in the last paragraph of subsection one thereof, after the word, figures and letter “section 14A”, the words, figures and letter “or section 14B”;

(b) By inserting in the last paragraph of subsection one thereof, after the words “Harbour Board”, wheresoever appearing, the words “, corporation, instrumentality or authority”; and

(c) By repealing the proviso to the first paragraph of subsection three thereof and inserting, in lieu of that repealed proviso, the following paragraph :—

“ Where the whole of the area of any Local Authority is comprised in the river improvement area of the Trust, such Local Authority may, and in every other case any Local Authority shall, and is hereby authorised and empowered to, make and levy in each year a separate rate under “*The Local Government Acts, 1936 to 1958*,” upon all rateable lands in its area or, as the case may be, so much of its area as is comprised in the river improvement area sufficient in amount to repay to the General Fund the amount of the precept paid or payable therefrom during such year.”

New s. 14B
inserted.

6. The following section is inserted after section 14A of the Principal Act :—

Other con-
tributions
in aid of
works.

“ [14B.] (1.) A Trust may make with any corporation, instrumentality or authority created by or under any Act (other than a Harbour Board) an arrangement whereby such corporation, instrumentality or authority undertakes to contribute in aid of the undertaking and maintenance, or undertaking or maintenance, of any works by the Trust under this Act which are or will be to the benefit of such corporation, instrumentality or authority.

(2.) Where the Trust and any such corporation, instrumentality or authority cannot agree upon an arrangement under this section satisfactory to both parties, the Governor in Council may thereupon determine all matters respecting the proposed arrangement in dispute between them (including, if in dispute, the question as to whether or not the works in question are or will be to the benefit of the corporation, instrumentality or authority concerned or the amount of such benefit, or both such questions) and they shall proceed to complete the arrangement in respect whereof the Governor in Council has made such determinations.

(3.) If the Trust and any corporation, instrumentality or authority fails to complete any arrangement in respect whereof the Governor in Council has made any determination referred to in subsection two of this section, the Governor in Council may proceed to determine all such further matters, if any, as he

deems necessary or desirable to effect such arrangement, and they shall be deemed to have made such arrangement in terms of such determinations and the instrumentality, corporation or authority in question shall make to the Trust all such payments as are required to be made by it pursuant to any such determinations.

(4.) Any sum payable by any corporation, instrumentality or authority pursuant to this section and not duly paid shall be recoverable by the Trust in any court of competent jurisdiction by action as for a debt."
