

Queensland



ANNO VICESIMO SEXTO

ELIZABETHAE SECUNDAE REGINAE

No. 5 of 1977

An Act to amend the Irrigation Act 1922–1973 and the River Improvement Trust Act 1940–1971 each in certain particulars

[ASSENTED TO 5TH APRIL, 1977]

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:—

PART I—PRELIMINARY

1. **Short title.** This Act may be cited as the *Irrigation Act and Another Act Amendment Act 1977*.

2. **Arrangement.** This Act is arranged as follows:—

PART I—PRELIMINARY;

PART II—AMENDMENTS OF THE IRRIGATION ACT 1922–1973;

PART III—AMENDMENTS OF THE RIVER IMPROVEMENT TRUST ACT 1940–1971.

PART II—AMENDMENTS OF THE IRRIGATION ACT 1922–1973

3. Citation. (1) In this Part, the *Irrigation Act 1922–1973* is referred to as the Principal Act.

(2) The Principal Act as amended by this Part may be cited as the *Irrigation Act 1922–1977*.

4. Amendment of Schedule. The Schedule to the Principal Act is amended by—

(a) in Part I, inserting after clause 27 the following clause:—

“**27A. Assessments on owners of sugar-mills.** Subject to this Act, the Commissioner (in addition to making and levying any other charge authorized by or under this Act) may, in an Irrigation Area, make and levy, on owners of sugar-mills within the meaning of the *Regulation of Sugar Cane Prices Act 1962–1972* to whom or which are assigned in accordance with that Act lands situated within that Area in the manner prescribed, such assessments as are prescribed as a payment towards the operation, maintenance or administration costs with respect to the supply of water to those lands from works constructed by the Commissioner or from underground sources assured as the result of such works.”;

(b) in Part II, omitting clause 33A.

PART III—AMENDMENTS OF THE RIVER IMPROVEMENT TRUST ACT 1940–1971

5. Citation. (1) In this Part, the *River Improvement Trust Act 1940–1971* is referred to as the Principal Act.

(2) The Principal Act as amended by this Part may be cited as the *River Improvement Trust Act 1940–1977*.

6. Amendment of s. 3. Section 3 of the Principal Act is amended by omitting subsection (2) and substituting the following subsection:—

“(2) **Constitution of other river improvement areas.** A Local Authority may make an application and two or more Local Authorities may make a joint application to the Minister for the constitution of a river improvement area comprising in the case of a Local Authority its area or part thereof and, in the case of two or more Local Authorities, their areas or parts thereof.

Upon the application, the Governor in Council may, on the recommendation of the Minister, by Order in Council, constitute a river improvement area comprising the area or part or areas or parts of the Local Authority or, as the case may be, Local Authorities by which the application is made and assign to a river improvement area so constituted a name.”.

7. Amendment of s. 11. Section 11 of the Principal Act is amended by—

(a) in subsection (1), omitting the paragraph commencing with the words “In this section”;

(b) adding at the end thereof the following subsection:—

“(9) In this section—

- (a) “prohibit” includes control and regulate;
- (b) “owner” includes the legal personal representative of a deceased owner;
- (c) “occupier” includes the legal personal representative of a deceased occupier.”.

8. Amendment of s. 12. Section 12 of the Principal Act is amended by—

- (a) in subsection (1),
 - (i) omitting the word “and” where it occurs after subparagraph (a);
 - (ii) inserting after subparagraph (b) the following word and subparagraph:—

“; and

(c) an emergency fund”;

(b) inserting after subsection (3) the following subsections:—

“(3A) The emergency fund shall consist of moneys transferred from time to time from the general fund and those moneys shall be applied to expenditure in any year for the performance of urgent works rendered necessary by a flood or any other cause in cases where provision has not been made for those works in the budget for that year.

(3B) The Minister, upon application made in that behalf by a River Improvement Trust, may, on the recommendation of the Commissioner and where he is satisfied that emergencies requiring considerable expenditure are not likely to occur within the river improvement area in respect of which the Trust is constituted, grant to that Trust exemption from establishing or maintaining an emergency fund.”.

9. Amendment of s. 13. Section 13 of the Principal Act is amended by—

(a) in subsection (1), in subparagraph (f), inserting after the words “general fund” the words “to the emergency fund,”;

(b) omitting subsection (3) and substituting the following subsection:—

“(3) If during any year it appears to a Trust that circumstances have arisen that render it necessary for the Trust to make in that year from its general fund or any loan fund a disbursement—

(a) that was not provided for in the budget for that year;

or

(b) that exceeds the amount of the estimates in respect of items of expenditure under like headings in the budget for that year,

the Trust may make the proposed disbursement but before doing so—

(c) shall by resolution approve the making thereof; and

(d) shall obtain the approval of the Minister for the making thereof.

An application for the approval referred to in subparagraph (d) of the first paragraph, shall be made to the Commissioner in writing and shall set forth the circumstances that render it necessary for the Trust to make the proposed disbursement and the fund from which that disbursement will be made.”;

(c) in subsection (4), omitting from the first proviso the words “Governor in Council” and substituting the word “Minister”.