

Queensland



ANNO TRICESIMO SECUNDO

ELIZABETHAE SECUNDAE REGINAE

No. 42 of 1983

An Act to amend the River Improvement Trust Act 1940–
1982 in certain particulars and for other purposes

[ASSENTED TO 22ND APRIL, 1983]

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. Short title and citation. (1) This Act may be cited as the *River Improvement Trust Act Amendment Act 1983*.

(2) In this Act the *River Improvement Trust Act 1940–1982* is referred to as the Principal Act.

(3) The Principal Act as amended by this Act may be cited as the *River Improvement Trust Act 1940–1983*.

2. Repeal of and new long title. The Principal Act is amended by repealing the long title and substituting the following long title:—

“An Act to provide for the protection and improvement of the bed and banks of rivers, the repair and prevention of damage to the bed and banks of rivers, the prevention of flooding and the prevention or mitigation of inundation of certain land by flood waters from rivers; to provide for the constitution of Trusts to discharge the foregoing functions; to make financial provision with respect to the discharge of Trusts' functions and for related purposes”.

3. Amendment of s. 2. Meaning of terms. Section 2 of the Principal Act is amended by in subsection (1)—

(a) omitting from the definition “land” the words “(but without limiting its ordinary meaning or the meaning assigned to it by “*The Public Works Land Resumption Acts, 1906 to 1938*”)”;

(b) omitting from the definition “works” the words “by the waters of a river” where they occur in paragraph (c) and substituting the words “by waters of or from a river”;

(c) omitting from the definition “works” paragraph (e) and substituting the following paragraph:—

“(e) preventing or mitigating the inundation of land by flood waters from a river whether the land abuts upon or is adjacent or nearby to the banks of the river;”.

4. Amendment of s. 15. Powers of Commissioner to undertake and/or maintain works. Section 15 of the Principal Act is amended by—

(a) omitting subsection (1) and substituting the following subsection:—

“(1) The Governor in Council may at any time and from time to time authorize the Commissioner to undertake or maintain or to undertake and maintain—

(a) works for the purpose of repairing as far as may be damage occasioned by cyclone or flood to the bed or banks of any river within a river improvement area whether occasioned before or after the commencement of the *River Improvement Trust Act Amendment Act 1983*;

(b) works within a river improvement area for the purpose of preventing as far as may be the occurrence of damage such as is referred to in paragraph (a); and

(c) works of any other description within the meaning of this Act within a river improvement area.”;

(b) omitting subsection (5) and substituting the following subsection:—

“(5) The Commissioner is a constructing authority within the meaning of the *Acquisition of Land Act 1967–1977* authorized to take land within the meaning of that Act pursuant to that Act for the purposes of any of the works that he is authorized under subsection (1) to undertake or maintain.”.

5. New s. 17A. The Principal Act is amended by inserting after section 17 the following section:—

“17A. **Ratification of works.** Works undertaken or maintained by a Trust or the Commissioner before the commencement of the *River Improvement Trust Act Amendment Act 1983*, being works within the meaning of the *River Improvement Trust Act 1940–1983*, shall not be held to have been unlawfully undertaken or maintained by reason that at the time they were undertaken or maintained they were not works within the meaning of *The River Improvement Trust Act of 1940* or of that Act as amended to the material time.”.
