

# WATER CONSERVATION AND IRRIGATION ADVISORY COMMITTEE ACT.

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Act No. 45, 1932.

George V,  
No. 45, 1932. An Act to provide for the constitution of a Water Conservation and Irrigation Advisory Committee; to authorise that committee to make investigations in relation to the construction, control, and management of works of water conservation, irrigation and water supply, and the administration and management of irrigation areas, and to report thereon; to authorise the determination of certain amounts by the Governor; to amend the Irrigation Act, 1912-1931; and for purposes connected therewith. [Assented to, 21st December, 1932.]

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**B**E it enacted by the King'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.** (1) This Act may be cited as the "Water Conservation and Irrigation Advisory Committee Act, 1932." Short title and commencement.

(2) This Act shall commence upon a date to be appointed by the Governor and notified by proclamation published in the Gazette.

**2.** In this Act, unless the context or subject-matter otherwise indicates or requires,— Interpretation.

"Commission" means the Water Conservation and Irrigation Commission constituted under the Irrigation Act, 1912-1931.

"Commissioner" means a member of the Water Conservation and Irrigation Commission constituted under the Irrigation Act, 1912-1931.

"Committee" means the Water Conservation and Irrigation Advisory Committee constituted under this Act.

"Irrigation area" means irrigation area constituted under the Murrumbidgee Irrigation Act, 1910, or the Irrigation Act, 1912-1931.

"Member" means a member of the Water Conservation and Irrigation Advisory Committee, and includes a person appointed as deputy of a member of the committee.

"Prescribed" means prescribed by this Act or by regulations made thereunder.

A reference in this Act to any other Act shall be deemed to include a reference to all rules, regulations and by-laws for the time being in force thereunder.

**3.** (1) There shall be constituted a Water Conservation and Irrigation Advisory Committee which shall carry into effect the objects and purposes of this Act, and have and discharge the duties, powers and functions thereby conferred and imposed on the committee. Constitution of advisory committee.

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(2) The committee shall consist of three members, who shall be appointed by the Governor, and one of the members shall be a person for the time being holding office as a commissioner under the Irrigation Act, 1912-1931, other than the chairman of the Commission.

(3) The Governor may appoint a person, possessing the necessary qualifications, to fill any vacancy arising on the committee.

(4) The provisions of the Public Service Act, 1902, shall not apply to the appointment of members of the committee.

(5) Every member of the committee, except the commissioner appointed as member and any member who is an officer of the Public Service, shall be paid such fees as may be prescribed.

(6) One of the members shall in and by the instrument by which he is appointed be the chairman of the committee.

(7) Any two members of the committee, of which one shall be the chairman or the deputy-chairman, shall form a quorum for the purpose of transacting business of the committee.

(8) If at any meeting of the committee, at which two members only are present, such members differ in opinion upon any matter, the determination of such matter shall be postponed until three members are present.

(9) In the case of the illness, suspension or absence of the chairman or any other member of the committee, a deputy may be appointed by the Governor to act for such member during his illness, suspension or absence, and every such deputy shall, during the time he acts as deputy, have all the powers and authority of such member.

(10) No act or proceeding of the committee shall be invalidated or prejudiced by reason only of the fact that at the time when such act or proceeding was done or commenced there was a vacancy in the office of any one member.

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(11) Upon the expiration of twelve months after the commencement of this Act, or upon the publication in the Gazette of a proclamation by the Governor declaring that the duties and functions imposed by section four of this Act have been discharged, whichever is the earlier date, the committee shall be dissolved and the members of the committee shall cease to hold office as such members.

4. (1) The committee shall, as soon as practicable after the commencement of this Act, furnish to the Governor a report setting out the steps which they consider should be taken—

Committee  
to furnish  
report and  
draft  
legislation.

- (a) to make better provision for the construction, control and management of works of water conservation, irrigation and water supply, and the administration and management of irrigation areas;
- (b) to effect an adjustment or transfer of any powers, authorities, duties, functions or obligations exercised and discharged by the Commission where, by such adjustment or transfer, such powers, authorities, duties, functions or obligations can be more efficiently and economically carried out by the Department of Public Works, the Department of Lands, the Department of Agriculture, the Department of Local Government, the Department of Mines, the Rural Bank, or otherwise;
- (c) to make such readjustments or transfers of officers, servants, and employees employed by the Commission as will ensure the observance of a proper standard of efficiency and economy for carrying out the powers, authorities, duties, functions and obligations in terms of the committee's recommendation;
- (d) to provide, as far as is practicable, for the application of the provisions of the Public Service Act, 1902, as amended by subsequent Acts, to the officers, servants and employees employed by the Commission;

(e)

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(e) to make such financial arrangements as may be necessary to carry into effect the recommendations of the committee.

(2) The report of the committee shall be accompanied by a draft Bill or Bills for any legislation necessary to give effect to the committee's report.

(3) The Permanent Head of each of the Departments mentioned in paragraph (b) of subsection one of this section and the Commissioners of the Government Savings Bank of New South Wales shall, each, select an officer to confer with and assist the committee when exercising the jurisdiction, functions and powers under this Act.

The services of the officers so selected shall be made available to the committee for such duties as the committee may direct.

Such officers may, if the committee so elect, take part in the proceedings and deliberations of the committee, but as assessors only and without vote.

(4) The committee, or any member or any person authorised by the committee in writing in that behalf, either generally or for a particular case or class of cases, may inspect all offices of the Commission and all books, papers, documents, accounts, places, properties, works and buildings under the control of the Commission.

The committee may investigate the character of the work performed by the Commission and by the officers, servants and employees of the Commission, and the efficiency, economy and general working of the Commission and the officers, servants and employees thereof.

(5) Where the inspection and investigation is conducted by the committee, the committee may examine such witnesses as may appear necessary.

(6) The committee may, at any time, and, from time to time, require the Commission to furnish all such information as the committee may require.

(7) For the purpose of conducting any inspection or investigation under this Act, the committee shall have the same powers and authorities to summon witnesses and receive evidence as are conferred by the Royal Commissions Act, 1923, on a Commission, and the chairman shall

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shall have the powers of a chairman, within the meaning of Division 1 of Part II of the said Act; and the said Act, section thirteen and Division 2 of Part II excepted, shall apply to witnesses so summoned and evidence so received and given, as completely and effectually as if such witnesses had been summoned and such evidence had been received or given by virtue or under the authority of the said Act.

(8) The committee may for the purposes of this Act make use of the services of any officers, servants or employees of the Commission.

5. (1) Notwithstanding anything contained in this or any other Act, the Governor, on the recommendation of the committee, on being satisfied that it is in the interests of the public so to do, may from time to time by proclamation published in the Gazette direct the Commission or any officer, servant or person in the employment of the Commission, upon whom any powers, duties, functions or obligations are conferred by the Irrigation Act, 1912-1931, to do or refrain from doing any act, matter or thing whatsoever, and every such direction shall immediately be carried into effect.

Direction of  
Governor to  
be carried  
out.

Any such direction may be general or limited to a particular case or class of cases.

Any such proclamation may from time to time, upon the recommendation of the committee, be revoked or varied by the Governor by a like proclamation.

(2) Every proclamation made under this section shall take effect from the date of the publication thereof in the Gazette or from a later date to be specified in the proclamation, and every direction contained in the proclamation shall be carried into effect forthwith.

(3) Every proclamation made under this section together with the recommendation of the committee relating to any direction contained therein shall be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is in session, and if not, then within fourteen sitting days after the commencement of the next session.

**II**

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If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after the proclamation has been laid before such House disallowing any direction or part thereof contained in the proclamation, such direction or part shall thereupon cease to have effect.

**Gover-  
nor may  
determine  
certain  
amounts.**

**6.** (1). Notwithstanding anything contained in the Irrigation Act, 1912-1931, or any other Act, the purchase money or the rental payable in respect of any area of land of the Crown in an irrigation area, and the value of the improvements on such area, and the rate or charge for water made in respect of any land under the Irrigation Act, 1912-1931, may, at any time, and from time to time, while this Act is in operation, be redetermined by the Governor.

(2) Subject to this section any redetermination of the Governor shall be final and conclusive.

(3) The Governor may, at any time, and from time to time, while this Act is in operation remit either wholly or in part the payment of any moneys owing to the Crown or to the Commission by an occupier under and within the meaning of the Irrigation Act, 1912-1931.

(4) Any redetermination or remission under this section shall be notified in the Gazette, shall take effect from a date specified in the notification, and the notification thereof shall be laid before both Houses of Parliament within fourteen sitting days after the publication of the notification if Parliament is in session, and if not, then within fourteen sitting days after the commencement of the next session.

If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after the notification has been laid before such House disallowing any redetermination or remission, such redetermination or remission shall thereupon cease to have effect.

**Regulations.**

**7.** (1) The Governor may make regulations not inconsistent with this Act, prescribing all matters which are necessary or convenient to be prescribed, to carry this Act into effect or to give effect to any power, function, duty or authority of the committee under this Act.

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Without prejudice to the generality of the foregoing provision the regulations may provide for the constitution of local committees which shall exercise and discharge such powers, functions, duties and authorities in relation to the execution of this Act as may be specified in the regulations.

(2) The regulations shall—

- (a) be published in the Gazette;
- (b) take effect from the date of such publication or from a later date to be specified in the regulations;
- (c) be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is in session, and if not, then within fourteen sitting days after the commencement of the next session.

If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after the regulations have been laid before such House disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect.

(3) Any regulation may impose a penalty not exceeding twenty pounds for any breach thereof.

(4) Any penalty imposed by the regulations may be recovered in a summary manner before a stipendiary or police magistrate or any two justices.

8. The provisions of this Act shall cease to have effect twelve months after the commencement thereof.

Duration of Act, 7]