

**CONSERVATION AUTHORITY OF NEW SOUTH
WALES ACT.**

Act No. 8, 1949.

George VI. **An** Act to provide for the constitution of the
No. 8, 1949. Conservation Authority of New South Wales
and to define its powers, authorities, duties
and functions; to reconstitute the Water
Conservation and Irrigation Commission;
to amend the Irrigation Act, 1912-1946,
the Forestry Act, 1916-1946, the Soil
Conservation Act, 1938-1947, and certain
other Acts; and for purposes connected
therewith. [Assented to, 12th May, 1949.]

BE

BE 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 :—

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PART I.

PRELIMINARY.

1. (1) This Act may be cited as the "Conservation Authority of New South Wales Act, 1949."

Short title and commencement.

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

2. This Act is divided into Parts, as follows:—

Division into Parts.

PART I.—PRELIMINARY—ss. 1-3.

PART II.—CONSTITUTION OF THE CONSERVATION AUTHORITY OF NEW SOUTH WALES—ss. 4-6.

PART III.—POWERS, AUTHORITIES, DUTIES AND FUNCTIONS OF THE AUTHORITY—ss. 7-13.

PART IV.—MISCELLANEOUS—s. 14.

PART V.—AMENDMENT OF THE IRRIGATION ACT, 1912-1946—s. 15.

PART VI.—AMENDMENT OF THE FORESTRY ACT, 1916-1946—s. 16.

PART VII.—AMENDMENT OF THE SOIL CONSERVATION ACT, 1938-1947—s. 17.

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

Interpretation.

"Authority" means the Conservation Authority of New South Wales.

"Chairman" means chairman of the Authority.

"Member" means member of the Authority.

"Prescribed" means prescribed by this Act or by the regulations.

"Regulations" means regulations made under this Act.

PART

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PART II.

CONSTITUTION OF THE CONSERVATION AUTHORITY OF NEW
SOUTH WALES.

**Constitution
of
Authority.**

4. (1) (a) There shall be constituted a Conservation Authority of New South Wales which shall have and may exercise and discharge the powers, authorities, duties and functions conferred and imposed upon the Authority by or under this Act.

(b) The Authority shall consist of five members who shall be appointed by the Governor. Of such members—

- (i) one shall in and by the instrument by which he is appointed be the chairman of the Authority;
- (ii) one shall be a person who for the time being holds the office of a commissioner of the Water Conservation and Irrigation Commission constituted under the provisions of the Irrigation Act, 1912, as amended by subsequent Acts;
- (iii) one shall be the person who for the time being holds the office of Commissioner of the Forestry Commission of New South Wales constituted under the provisions of the Forestry Act, 1916, as amended by subsequent Acts;
- (iv) one shall be the person who for the time being holds the office of Commissioner of the Soil Conservation Service appointed under the provisions of the Soil Conservation Act, 1938, as amended by subsequent Acts;
- (v) one shall be the person who for the time being is the permanent head of the Department of Conservation and such member shall be the executive member of the Authority.

(c) (i) The Governor may from time to time appoint one of the members of the Authority as deputy-chairman to act during the absence from duty of the chairman and may from time to time appoint a deputy to act in the absence of any other member. While so acting the deputy-chairman or a deputy shall have the immunities

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immunities and may exercise and discharge all the powers, authorities, duties and functions of the chairman or member, as the case may be. **No. 8, 1949.**

(ii) A deputy appointed under this subsection may, if the Governor thinks fit, be paid such remuneration for his services, including travelling expenses, as the Governor may determine.

(iii) No person shall be concerned to inquire whether or not any occasion has arisen requiring or authorising the deputy-chairman or a deputy to act in the place of the chairman or other member, as the case may be; and all acts and things done or omitted to be done by the deputy-chairman or a deputy when so acting as aforesaid shall have the same consequences as if the same had been done or omitted by the chairman or other member, as the case may be.

(2) Subject to this Act the chairman shall hold office for a term of seven years and shall be eligible from time to time for reappointment.

(3) (a) The chairman shall receive such annual salary as the Governor may determine.

(b) The provisions of the Public Service Act, 1902, or any Act amending that Act, shall not apply to or in respect of the appointment of any member, and a member shall not, in his capacity as member, be subject to the provisions of any such Act during his term of office.

(c) Each member shall be entitled to receive travelling expenses at such rates as the Governor may from time to time determine.

(4) (a) The chairman shall be deemed to have vacated his office if he—

- (i) engages in New South Wales during his term of office in any paid employment outside the duties of his office except with the approval of the Governor;
- (ii) becomes bankrupt, compounds with his creditors or makes any assignment of his salary or estate for their benefit;
- (iii) absents himself from duty for a period of fourteen consecutive days except on leave granted

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- granted to him in accordance with this Act or on leave granted by the Minister (which leave the Minister is hereby authorised to grant);
- (iv) becomes an insane person or patient or an incapable person within the meaning of the Lunacy Act, 1898-1947;
 - (v) is convicted within New South Wales of a felony or of a misdemeanour which is punishable by imprisonment for twelve months or upwards or is convicted elsewhere than in New South Wales of an offence which if committed in New South Wales would be a felony or misdemeanour which is punishable as aforesaid;
 - (vi) resigns his office by writing under his hand addressed to the Governor; or
 - (vii) is removed from office by the Governor for misbehaviour or incapacity or upon resolutions passed by both Houses of Parliament.

(b) The chairman shall be deemed to have vacated his office on the day upon which he attains the age of sixty-five years.

(5) The chairman shall have the same rights to leave of absence as are granted to officers of the Public Service.

(6) (a) Nothing in this Act shall affect the rights accrued and accruing under the Public Service Act, 1902, the Forestry Act, 1916, the Irrigation Act, 1912, or the Superannuation Act, 1916, or any Act amending such Acts, to any person appointed chairman who is at the time of his appointment or has been at any time previous thereto an officer of the Public Service or of the Water Conservation and Irrigation Commission constituted under the Irrigation Act, 1912, as amended by subsequent Acts, or a Commissioner appointed under that Act, as so amended, or under the Forestry Act, 1916, as amended by subsequent Acts, or an employee within the meaning of the Superannuation Act, 1916, as amended by subsequent Acts.

(b) Any officer of the Public Service or of the Water Conservation and Irrigation Commission constituted under the Irrigation Act, 1912, as amended
by

by subsequent Acts, or a Commissioner appointed under that Act, as so amended, or under the Forestry Act, 1916, as amended by subsequent Acts, or any person who is an employee within the meaning of the Superannuation Act, 1916, as amended by subsequent Acts, appointed chairman shall continue to contribute to any fund or account and shall be entitled to receive any deferred or extended leave and any payment, pension or gratuity as if he were an officer within the meaning of the Public Service Act, 1902, as amended by subsequent Acts, or the Irrigation Act, 1912, as amended by subsequent Acts, or a Commissioner appointed under that Act, as so amended, or under the Forestry Act, 1916, as amended by subsequent Acts, or an employee within the meaning of the Superannuation Act, 1916, as amended by subsequent Acts, and for such purpose his service as chairman shall be deemed to be service for the purpose of such Acts.

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5. (1) The Authority shall be a body corporate, with perpetual succession and a common seal, and may sue and be sued in its corporate name, and shall, for the purposes and subject to the provisions of this Act, be capable of purchasing, holding, granting, demising and disposing of or otherwise dealing with real and personal property, and of doing and suffering all such acts and things as bodies corporate may by law do and suffer.

Body
corporate.

(2) The corporate name of the Authority shall be "The Conservation Authority of New South Wales."

(3) The common seal shall be kept in the custody of the chairman and shall not be affixed to any instrument except in pursuance of a resolution of the Authority.

Any instrument executed in pursuance of any such resolution shall be attested by the signatures of any two members.

(4) (a) The procedure for the calling of meetings of the Authority and for the conduct of business at such meetings shall, subject to this Act and any regulations in relation thereto, be as determined by the Authority.

(b)

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(b) At any meeting of the Authority the chairman or deputy-chairman shall preside and if the votes at any such meeting are equal he shall have a second or casting vote.

(c) In the absence of the chairman or deputy-chairman from any meeting the members present may elect one of their number to preside at the meeting; and the member so elected, while so presiding shall have the powers, authorities, duties and functions of the chairman.

(d) If there is an equality of votes in such an election it shall be decided by lot which of the members having an equal number of votes shall preside.

(e) Any three members shall form a quorum and any duly convened meeting at which a quorum is present shall be competent to transact any business of the Authority and shall have and may exercise and discharge all the powers, authorities, duties and functions of the Authority.

(f) At any meeting of the Authority any member who is not in favour of the decision of the Authority may have his dissent recorded and submit a separate report.

(g) The Authority shall cause minutes of its decisions to be kept upon the official papers and cause minutes to be kept of its proceedings at all the meetings.

(5) (a) No matter or thing done, and no contract entered into by the Authority, and no matter or thing done by any member or by any other person whomsoever acting under the direction of the Authority shall, if the matter or thing was done or the contract was entered into bona fide for the purposes of executing this Act, subject them or any of them personally to any action, liability, claim or demand whatsoever.

(b) Nothing in this subsection shall exempt any member from liability to be surcharged with the amount of any payment which is disallowed by the Auditor-General in the accounts of the Authority and which such member authorised or joined in authorising.

(6)

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(6) No act or proceeding of the Authority shall be invalidated or prejudiced by reason only of the fact that at the time when such act or proceeding was done, taken or commenced, there was a vacancy in the offices of members.

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Validity of acts and proceedings.

6. (1) For the purposes of exercising and discharging the powers, authorities, duties and functions conferred and imposed on the Authority by or under this or any other Act the Authority may, with the approval of the Minister of the Department concerned, on such terms as may be arranged, make use of the services of any of the officers or employees of any Government Department.

Officers and employees.

(2) The Authority may for the like purpose, with the approval of any statutory body or municipal, shire or county council on such terms as may be arranged, make use of the services of any of the officers, servants or employees of such statutory body or council.

In this subsection "statutory body" means any public body which the Governor may by proclamation published in the Gazette declare to be a statutory body for the purposes of this Act.

PART III.

POWERS, AUTHORITIES, DUTIES AND FUNCTIONS OF THE AUTHORITY.

Powers of Authority.

7. (1) Subject to this Act, the Authority shall have power—

- (a) to promote and formulate plans for—
 - (i) the conservation, development and provision of water and timber resources; and
 - (ii) the conservation of the soil;

- (b) to co-ordinate plans and works for any such conservation, development and provision;

(c)

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- (c) to initiate and co-ordinate investigations and surveys for any such conservation, development and provision and to direct the order, time and rate of undertaking such investigations and surveys;
- (d) to direct the time of commencement and order and rate of construction of works for the carrying out of schemes or measures for any such conservation, development and provision by the Water Conservation and Irrigation Commission, the Forestry Commission of New South Wales and the Soil Conservation Service;
- (e) to direct, where in any case in its opinion it will be advantageous so to do, the Water Conservation and Irrigation Commission, the Forestry Commission of New South Wales and the Soil Conservation Service, or any two of such authorities to adopt arrangements or measures for—
 - (i) the joint use of officers, employees, accommodation, plant, machinery, repair workshops, storage or other facilities;
 - (ii) the transfer from one such authority to another of any plant, machinery, materials or other property on hire or loan or otherwise;
 - (iii) the carrying out of any work, scheme or measure or any part of any work, scheme or measure by one of such authorities on behalf of another of them;
 - (iv) the utilisation of the services of any of such authorities for carrying out wholly or partly any work or services or in obtaining supplies of materials, plant or machinery on behalf of any other of such authorities.

(2)

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(2) The Water Conservation and Irrigation Commission, the Forestry Commission of New South Wales, and the Soil Conservation Service shall perform and carry out all such acts, matters and things as are necessary in order to comply with any direction given to it by the Authority pursuant to the powers conferred upon the Authority by subsection one of this section. **No. 8, 1949.**

(3) The Authority shall, when so directed by the Minister, do, perform and carry out such acts, matters or things in relation to the conservation, development and provision of water and timber resources and the conservation of the soil as the Minister may require.

8. The Authority shall have such of the powers and authorities conferred upon—

Further powers of the Authority.

- (a) the Water Conservation and Irrigation Commission by the Irrigation Act, 1912-1949, the Water Act, 1912-1946, or any other Act;
- (b) the Forestry Commission of New South Wales by the Forestry Act, 1916-1949, or any other Act;
- (c) the Commissioner of the Soil Conservation Service by the Soil Conservation Act, 1938-1949, or any other Act,

as may be necessary to enable the Authority to exercise and discharge any of the powers, authorities, duties and functions conferred and imposed upon it by or under this or any other Act.

9. In the exercise and discharge of its powers, authorities, duties and functions, the Authority shall be subject in all respects to the control and direction of the Minister.

Authority subject to the control of the Minister.

10. (1) Before the commencement of any work, scheme or measure, including any work, scheme or measure proposed to be undertaken as an addition or extension of any existing work, scheme or measure—

Particulars of certain proposed works to be supplied to Minister.

- (a) by the Water Conservation and Irrigation Commission for the conservation or supply of **water**

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water for any purpose, or for flood mitigation or prevention, or for the protection or improvement of any river or lake;

- (b) by the Forestry Commission of New South Wales for the improvement, development, treatment, afforestation or reafforestation and protection of any lands; or
- (c) by the Soil Conservation Service for the purpose of soil conservation or erosion mitigation on any lands or the protection of any catchment area notified or constituted under the Soil Conservation Act, 1938-1949,

the said Water Conservation and Irrigation Commission, Forestry Commission of New South Wales or Soil Conservation Service, as the case may be, shall, if the estimated cost of such work, scheme or measure is in excess of five thousand pounds submit to the Minister particulars as to the location, class, purpose, general design, estimated cost, programme, time, order and rate of construction or carrying out of the proposed work, scheme or measure and the amounts required during each financial year in the period of construction or carrying out of such proposed work, scheme or measure.

(2) The Minister may refer any such submission to the Authority which shall in respect of any such submission furnish to the Minister a report and recommendation on such proposed work, scheme or measure.

(3) No such work, scheme or measure shall be constructed or carried out except in accordance with the approval of the Minister.

Inquiries or investigations by Authority.

11. (1) The Authority shall as and when required by the Minister conduct inquiries or investigations for any purpose connected with the conservation, development and provision of water and timber resources and the conservation of soil.

Such inquiries or investigations may be conducted by such member or members as may be deputed by the Authority in that behalf.

(2).

(2) The Authority shall furnish the Minister with a report setting out the results of any inquiry or investigation made under this section. No. 8, 1949.

(3) For the purpose of any inquiry or investigation under this section, the Authority or any member or members thereof conducting the inquiry or investigation shall have the powers and immunities of a Commission and the chairman of the Authority or the member presiding at any such inquiry or investigation shall have the powers of a chairman within the meaning of Division 1 of Part II of the Royal Commissions Acts, 1923-1934, and the provisions of that Act, with the exception of section thirteen and of Division 2 of Part II shall, mutatis mutandis, apply to any witness or person summoned by or appearing before the Authority or member or members thereof, as the case may be.

12. (1) Before such date in each year as the Minister may appoint, the Water Conservation and Irrigation Commission, the Forestry Commission of New South Wales and the Soil Conservation Service shall each forward to the Authority a statement setting out particulars of the works, schemes or measures proposed to be carried out by it during the forthcoming year commencing on the first day of July next ensuing and the amount proposed to be expended upon each of such works, schemes or measures. Annual statement of proposed works.

(2) The Authority shall furnish the Minister with a report setting out the amount recommended by it to be provided for each such work, scheme or measure.

(3) The Authority shall from time to time, as may be required by the Minister, report to him as to the distribution of available funds between the Water Conservation and Irrigation Commission, the Forestry Commission of New South Wales and the Soil Conservation Service for the purpose of works, schemes or measures, having regard to the relative urgency and merits of such works, schemes and measures. Such report shall contain recommendations as to the amount to be allocated to each of such authorities.

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No. 8, 1949.
Annual
report.

13. (1) As soon as practicable after the thirtieth day of June in each year, the Authority shall prepare and furnish to the Minister a report upon the operations and activities of the Authority during the year ending on the date aforesaid.

(2) The Minister shall lay such report or cause it to be laid before both Houses of Parliament as soon as practicable after the receipt by him of the report.

PART IV.**MISCELLANEOUS.**

Regulations. **14.** (1) The Governor may make regulations not inconsistent with this Act prescribing all matters which by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) The regulations shall—

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

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

PART

PART V.

AMENDMENT OF THE IRRIGATION ACT, 1912-1946.

15. (1) The Irrigation Act, 1912-1946, is amended by omitting section four and by inserting in lieu thereof the following section:—

Amendment
of Act
No. 73,
1912.
Substituted
section 4.

4. (1) There shall be constituted a Water Conservation and Irrigation Commission consisting of three commissioners appointed by the Governor.

Constitution
of Commis-
sion.

(2) One of such commissioners shall in and by the instrument by which he is appointed be the chairman of the Commission.

(3) Each commissioner shall be appointed for a term not exceeding seven years and shall be eligible from time to time for reappointment.

(4) (a) The commissioners shall respectively receive such annual salaries as the Governor may from time to time determine.

(b) Each commissioner shall be entitled to receive travelling expenses at such rates as the Governor may from time to time determine.

(5) (a) In the event of the office of any commissioner becoming vacant a commissioner shall be appointed by the Governor to fill the vacancy so arising and the person appointed to fill the vacant office shall, subject to this Act, hold office for the remainder of the unexpired term of the vacant office.

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

(6) (a) In the case of the absence from duty of the chairman of the Commission the Governor may appoint one of the other commissioners a deputy to act in the place of the chairman during his absence.

(b)

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(b) In the case of the absence from duty of any commissioner, other than the chairman, the Governor may appoint a deputy to act in the place of such commissioner during his absence.

(c) Where in pursuance of paragraph (a) of this subsection one of the commissioners is appointed a deputy to act in the place of the chairman, the Governor may appoint a deputy to act in the place of that commissioner.

(d) Any deputy appointed under this subsection while he acts as such deputy shall have the immunities and may exercise and discharge all the powers, authorities, duties and functions of the commissioner in whose place he acts.

(e) A deputy appointed under this subsection may, if the Governor thinks fit, be paid such remuneration for his services, including travelling expenses, as the Governor may determine.

(f) No person shall be concerned to inquire whether or not any occasion has arisen requiring or authorising a commissioner to act in the place of the chairman, or a deputy to act in the place of a commissioner, or as to the necessity or propriety of any appointment of a deputy; and all acts or things done or omitted by a commissioner or a deputy when so acting as aforesaid shall be as valid and effectual and shall have the same consequences as if the same had been done or omitted by the chairman or the commissioner for whom the deputy is acting, as the case may be.

(7) (a) A commissioner shall be deemed to have vacated his office if he—

(i) engages in New South Wales during his term of office in any paid employment outside the duties of his office, except with the approval of the Governor;

(ii) becomes bankrupt, compounds with his creditors or makes any assignment of his salary or estate for their benefit;

(iii)

- (iii) absents himself from duty for a period of fourteen consecutive days except on leave due to him in accordance with this Act or on leave granted by the Minister (which leave the Minister is hereby authorised to grant);
- (iv) becomes an insane person or patient or an incapable person within the meaning of the Lunacy Act, 1898-1947;
- (v) is convicted in New South Wales of a felony or of a misdemeanour which is punishable by imprisonment for twelve months or upwards, or is convicted elsewhere than in New South Wales of an offence which if committed in New South Wales would be a felony or a misdemeanour which is punishable as aforesaid;
- (vi) resigns his office by writing under his hand addressed to the Governor;
- (vii) is removed from office by the Governor for misbehaviour or incapacity or upon resolutions passed by both Houses of Parliament.

(b) A commissioner shall be deemed to have vacated his office on the day upon which he attains the age of sixty-five years.

(8) (a) Nothing in this Act shall affect the rights accrued or accruing under this Act, or the Public Service Act, 1902, or the Superannuation Act, 1916, or any Act amending such Acts, to any person appointed a commissioner under this Act who is, at the time of his appointment or has been at any time previous thereto, a commissioner appointed under the section which this section replaces or an officer of the Public Service or an officer within the meaning of this Act or of the Government Savings Bank Act, 1906, or any Act amending those Acts, or an employee within the meaning of the Superannuation Act, 1916, or any amendment thereof.

(b)

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(b) A commissioner appointed under the section which this section replaces or any officer of the Public Service or any officer within the meaning of this Act or of the Government Savings Bank Act, 1906, or any Act amending those Acts, or any employee within the meaning of the Superannuation Act, 1916, or any amendment thereof, appointed a commissioner under this Act, shall continue to contribute to any fund or account and shall be entitled to receive any deferred or extended leave and any payment, pension, or gratuity, as if he were an officer within the meaning of this Act, the Public Service Act, 1902, or the Government Savings Bank Act, 1906, or any Act amending such Acts, or an employee within the meaning of the Superannuation Act, 1916, or any amendment thereof, as the case may be, and for such purpose his service as a commissioner shall be deemed to be service for the purposes of such Acts.

(c) Any person appointed a commissioner under this Act shall have the same rights of leave of absence and payment of a cash allowance in lieu thereof as are granted to officers in the service of the Commission under this Act or under the regulations made under this Act or under any award of the Industrial Commission of New South Wales or any industrial agreement having the force of an award.

(9) The procedure for the calling of meetings of the Commission and for the conduct of business at such meetings shall, subject to this Act and any regulations in relation thereto, be as determined by the Commission.

(10) The Commission shall cause minutes of its decisions to be kept on the official papers, and cause minutes to be kept of its proceedings at all the meetings.

(11) The Commission shall furnish the Minister with full information on any business of the Commission which the Minister may require.

The

The Minister or a person appointed by him for the purpose may attend any meeting of the Commission but shall not be entitled to vote thereat. No. 8, 1949.

(12) (a) No matter or thing done, and no contract entered into by the Commission, and no matter or thing done by any commissioner or by any other person whomsoever acting under the direction of the Commission, shall, if the matter or thing was done or the contract was entered into bona fide for the purpose of executing this Act, subject them or any of them personally to any action, liability, claim or demand whatsoever.

(b) Nothing in this subsection shall exempt any commissioner from liability to be surcharged with the amount of any payment which is disallowed by the Auditor-General in the accounts of the Commission, and which such commissioner authorised or joined in authorising.

(13) (a) Any two commissioners shall be a quorum for the exercise of the powers and authorities of the Commission.

(b) The chairman shall preside at any meeting of the Commission at which he is present, and if the votes at any such meeting are equal he shall have a second or casting vote.

(14) (a) Upon the commencement of the Conservation Authority of New South Wales Act, 1949, the commissioners appointed in pursuance of the section which this section replaces and holding office immediately before such commencement shall cease to hold office and the commissioners for the time being holding office under this section shall constitute the body corporate established by section 4A of this Act.

(b) Nothing contained in this section shall prejudice or affect in any way the continuity of such body corporate, but the same shall continue notwithstanding the provisions of this section.

(c)

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(c) The provisions of paragraph (a) of this subsection shall not affect any property, powers, rights, authorities, duties, functions, liabilities or obligations of the said body corporate, or render defective any legal or other proceedings instituted or to be instituted by or against the body corporate.

(d) The body corporate shall continue notwithstanding that there are at any time or times vacancies in the offices of all the commissioners or any one or more of them.

(e) Without prejudice to the full operation of paragraph (b) of this subsection the powers, rights, authorities, duties, functions, liabilities and obligations conferred or imposed by or under any Act upon the commissioners for the time being holding office under the section which this section replaces shall, subject to the provisions of this Act, be executed and performed by the commissioners appointed under this section.

(f) The commissioners appointed in pursuance of the section which this section replaces and holding office immediately before the commencement of the Conservation Authority of New South Wales Act, 1949, shall be eligible for appointment as commissioners under this section.

Further
amendment
of Act
No. 73,
1912.

Sec. 5D.
(Money
value
of leave
not taken or
completed.)

Sec. 8.
(Powers of
Commis-
sion.)

(2) The Irrigation Act, 1912-1946, is further amended—

(a) by omitting from section 5D the words and symbols “(other than the Minister)”;

(b) by omitting subsection three of section eight and by inserting in lieu thereof the following subsection:—

(3) In the exercise and discharge of its powers, authorities, duties and functions under this or any other Act, the Commission shall be subject in all respects to the control and direction of the Minister.

(3).

(3) The Irrigation Act, 1912, as amended by subsequent Acts and by this Act, may be cited as the Irrigation Act, 1912-1949. No. 8, 1949.

PART VI.

AMENDMENT OF FORESTRY ACT, 1916-1946.

16. (1) The Forestry Act, 1916-1946, is amended— Amendment
of Act No.
55, 1916.

(a) by omitting subsections two, three, four and five of section five and by inserting in lieu thereof the following new subsections:— Sec. 5.
(Constitu-
tion of
Commis-
sion.)

(2) (a) The Governor may from time to time appoint two Assistant Commissioners to assist the Commissioner in the exercise and discharge of his powers, authorities, duties and functions under this or any other Act.

The Minister may from time to time, after consulting the Commissioner, allot the duties of the Assistant Commissioners respectively.

(b) The provisions of the Public Service Act, 1902, or any Act amending that Act, shall not apply to or in respect of the appointment of the Commissioner or an Assistant Commissioner, and the Commissioner or an Assistant Commissioner shall not, in his capacity as such, be subject to the provisions of any such Act during his term of office.

(3) Each Assistant Commissioner shall, subject to this Act, hold his office for a term not exceeding seven years and shall be eligible from time to time for reappointment.

(4) The Commissioner and Assistant Commissioners shall respectively receive such annual salaries as the Governor may from time to time determine.

(5)

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(5) The Commissioner and each Assistant Commissioner shall be entitled to receive travelling expenses at such rates as the Governor may from time to time determine.

(6) In the event of the office of the Commissioner or any Assistant Commissioner becoming vacant a person shall be appointed to fill the vacancy so arising and such person appointed shall, subject to this Act, hold office for the remainder of the unexpired term of the vacant office.

(7) (a) In the case of the absence from duty of the Commissioner the Governor may appoint one of the Assistant Commissioners a deputy to act in the place of the Commissioner during his absence.

(b) Any deputy appointed under this subsection while he acts as deputy shall have the immunities and may exercise and discharge all the powers, authorities, duties and functions of the Commissioner in whose place he acts.

(c) A deputy appointed under this subsection may if the Governor thinks fit be paid such remuneration for his services, including travelling expenses, as the Governor may determine.

(d) No person shall be concerned to inquire whether or not any occasion has arisen requiring or authorising a deputy to act in the place of the Commissioner, or as to the necessity or propriety of any appointment of a deputy; and all acts or things done or omitted by a deputy when so acting as aforesaid shall be as valid and effectual and shall have the same consequences as if the same had been done or omitted by the Commissioner for whom the deputy is acting.

(8)

(8) (a) The Commissioner or an Assistant Commissioner shall be deemed to have vacated his office if he—

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- (i) engages in New South Wales during his term of office in any paid employment outside the duties of his office, except with the approval of the Governor;
- (ii) becomes bankrupt, compounds with his creditors or makes any assignment of his salary or estate for their benefit;
- (iii) absents himself from duty for a period of fourteen consecutive days except on leave due to him in accordance with this Act or on leave granted by the Minister (which leave the Minister is hereby authorised to grant);
- (iv) becomes an insane person or patient or an incapable person within the meaning of the Lunacy Act, 1898-1947;
- (v) is convicted in New South Wales of a felony or of a misdemeanour which is punishable by imprisonment for twelve months or upwards, or is convicted elsewhere than in New South Wales of an offence which if committed in New South Wales would be a felony or a misdemeanour which is punishable as aforesaid;
- (vi) resigns his office by writing under his hand addressed to the Governor; or
- (vii) is removed from office by the Governor for misbehaviour or incapacity or upon resolutions passed by both Houses of Parliament.

(b) The Commissioner and each Assistant Commissioner shall be deemed to have vacated his office on the day upon which he attains the age of sixty-five years.

(9)

Conservation Authority of New South Wales Act.**No. 8, 1949.**

(9) (a) Nothing in this Act shall affect the rights accrued or accruing under this Act, the Public Service Act, 1902, the Superannuation Act, 1916, or any Act amending such Acts, to any person appointed a Commissioner or Assistant Commissioner under this Act who is, at the time of his appointment or has been at any time previous thereto, an officer of the Public Service or an employee within the meaning of the Superannuation Act, 1916, or any amendment thereof.

(b) Any officer of the Public Service or any Assistant Commissioner under this Act who is appointed a Commissioner under this Act or any officer of the Public Service who is appointed an Assistant Commissioner under this Act or any employee within the meaning of the Superannuation Act, 1916, or any amendment thereof appointed a Commissioner or Assistant Commissioner under this Act shall continue to contribute to any fund or account and shall be entitled to receive any deferred or extended leave and any payment, pension or gratuity as if he were an officer within the meaning of the Public Service Act, 1902, or an employee within the meaning of the Superannuation Act, 1916, or any Act amending such Acts, as the case may be, and for such purpose his service as a Commissioner or an Assistant Commissioner shall be deemed to be service for the purposes of such Acts.

(c) Any person appointed a Commissioner or an Assistant Commissioner under this Act shall have the same rights of leave of absence as are granted to officers of the Public Service.

(b) by omitting section six.

(2) The Forestry Act, 1916, as amended by subsequent Acts and by this Act, may be cited as the Forestry Act, 1916-1949.

Citation.

PART

PART VII.

[No. 8, 1949.]

AMENDMENT OF THE SOIL CONSERVATION ACT, 1938-1947.

17. (1) The Soil Conservation Act, 1938-1947, is amended:—

Amendment
of Act No.
10, 1938.

- (a) by omitting from section three the definition of "Director" and by inserting in lieu thereof the following definition:—

Sec. 3.
(Defini-
tions.)

"Commissioner" means the Commissioner of the Soil Conservation Service appointed under this Act.

- (b) by omitting section four and by inserting in lieu thereof the following section:—

Subst.
sec. 4.

4. (1) The Governor may from time to time appoint a Commissioner of the Soil Conservation Service who shall subject to the control and direction of the Minister exercise and discharge the powers, authorities, duties and functions conferred and imposed upon him under this Act.

Com-
missioner
of Soil
Conservation
Service.

The provisions of the Public Service Act, 1902, or any Act amending that Act, shall not apply to or in respect of the appointment of the Commissioner, and the Commissioner shall not, in his capacity as such, be subject to the provisions of any such Act during his term of office.

(2) The Commissioner shall be appointed for a term not exceeding seven years and shall be eligible from time to time for reappointment.

(3) The Commissioner shall receive such annual salary as the Governor may from time to time determine.

(4) The Commissioner shall be entitled to receive travelling expenses at such rates as the Governor may from time to time determine.

(5)

No. 8, 1949.

(5) In the event of the office of the Commissioner becoming vacant a Commissioner shall be appointed to fill the vacancy and the person appointed shall subject to this Act hold office for the remainder of the unexpired term of the vacant office.

(6) (a) In the case of the absence from duty of the Commissioner the Governor may appoint a deputy to act in place of the Commissioner during his absence.

(b) While so acting a deputy shall have the immunities and may exercise and discharge all the powers, authorities, duties and functions of the Commissioner.

(c) A deputy appointed under this subsection may if the Governor thinks fit be paid such remuneration for his services, including travelling expenses, as the Governor may determine.

(d) No person shall be concerned to inquire whether or not any occasion has arisen requiring or authorising a deputy to act in the place of the Commissioner, or as to the necessity or propriety of any appointment of a deputy; and all acts or things done or omitted by a deputy when so acting as aforesaid shall be as valid and effectual and shall have the same consequences as if the same had been done or omitted by the Commissioner for whom the deputy is acting.

(7) (a) The Commissioner shall be deemed to have vacated his office if he—

- (i) engages in New South Wales during his term of office in any paid employment outside the duties of his office, except with the approval of the Governor;
- (ii) becomes bankrupt, compounds with his creditors or makes any assignment of his salary or estate for their benefit;
- (iii)

- (iii) absents himself from duty for a period of fourteen consecutive days except on leave due to him in accordance with this Act or on leave granted by the Minister (which leave the Minister is hereby authorised to grant);
- (iv) becomes an insane person or patient or an incapable person within the meaning of the Lunacy Act, 1898-1947;
- (v) is convicted in New South Wales of a felony or of a misdemeanour which is punishable by imprisonment for twelve months or upwards, or is convicted elsewhere than in New South Wales of an offence which if committed in New South Wales would be a felony or a misdemeanour which is punishable as aforesaid;
- (vi) resigns his office by writing under his hand addressed to the Governor;
- (vii) is removed from office by the Governor for misbehaviour or incapacity or upon resolutions passed by both Houses of Parliament.

No. 8, 1940.

(b) The Commissioner shall be deemed to have vacated his office on the day upon which he attains the age of sixty-five years.

(8) (a) Nothing in this Act shall affect the rights accrued or accruing under this Act or the Public Service Act, 1902, or the Superannuation Act, 1916, or any Act amending such Acts, to any person appointed a Commissioner under this Act who is, at the time of his appointment or has been at any time previous thereto, an officer of the Public Service or an employee within the meaning of the Superannuation Act, 1916, or any amendment thereof.

(b) Any officer of the Public Service or any employee within the meaning of the Superannuation Act, 1916, or any amendment thereof, appointed a Commissioner under this Act

Conservation Authority of New South Wales Act.**No. 8, 1949.**

Act shall continue to contribute to any fund or account and shall be entitled to receive any deferred or extended leave and any payment, pension or gratuity as if he were an officer within the meaning of the Public Service Act, 1902, or an employee within the meaning of the Superannuation Act, 1916, or any Act amending such Acts, as the case may be, and for such purpose his service as a Commissioner shall be deemed to be service for the purposes of such Acts.

(c) Any person appointed a Commissioner under this Act shall have the same rights of leave of absence as are granted to officers of the Public Service.

Sections 6, 7,
9, 10, 11, 13,
14, 15, 18, 23,
27, 31, 32,
33, 34.
(Conse-
quential.)

(c) by omitting from sections six, seven, nine, ten, eleven, thirteen, fourteen, fifteen, eighteen, twenty-three, twenty-seven, thirty-one, thirty-two, thirty-three and thirty-four the word "Director" wherever occurring and by inserting in lieu thereof the word "Commissioner."

(2) The Soil Conservation Act, 1938, as amended by subsequent Acts and by this Act, may be cited as the Soil Conservation Act, 1938-1949.

(3) In the construction, and for the purposes of any Act, by-law, regulation, ordinance or any other instrument or document whatsoever, of the same or a different kind or nature, any reference to the Director of the Soil Conservation Service shall be deemed to be a reference to the Commissioner of the Soil Conservation Service appointed under the provisions of section four of the Soil Conservation Act, 1938-1949.

(4) All contracts, agreements and undertakings entered into with the Director of the Soil Conservation Service and in force immediately before the commencement of this Act, shall be deemed to be contracts, agreements and undertakings entered into with the Commissioner of the Soil Conservation Service appointed under the provisions of section four of the Soil Conservation Act, 1938-1949.

(5)

(5) Any matter or thing commenced by or under the authority of the Director of the Soil Conservation Service before the commencement of this Act may be carried on and completed by the Commissioner of the Soil Conservation Service appointed under the provisions of section four of the Soil Conservation Act, 1938-1949. **No. 8, 1949.**
