

Irrigation Acts and Another Act, Etc., Act. 6 ELIZ. II. No. 42,

- (iii.) Take effect from the date of such publication unless, in the case of any regulation, a later date is specified in that or any other regulation for its commencement when in such event it shall take effect from that later date ; and
- (iv.) Be laid before Parliament within fourteen sitting days after such publication, if Parliament is in session, and if not, then within fourteen sitting days after the commencement of the next session.

(3.) If Parliament passes a resolution of which notice has been given at any time within fourteen sitting days after any such regulation has been laid before Parliament disallowing the same or part thereof, that regulation or part shall thereupon cease to have effect, but without prejudice to the validity of anything done in the meantime or to the making of a further regulation.

6 ELIZ. II.
No. 42.
THE
IRRIGATION
ACTS AND
ANOTHER ACT
AMENDMENT
ACT OF 1957.

An Act to Amend "The Irrigation Acts, 1922 to 1954," and "The Water Acts, 1926 to 1954," each in certain particulars.

[ASSENTED TO 20TH DECEMBER, 1957.]

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.

Short title.

PART I.—PRELIMINARY.
1. This Act may be cited as "*The Irrigation Acts and Another Act Amendment Act of 1957.*"

Parts of Act.

2. This Act is divided into Parts as follows:—
PART I.—PRELIMINARY ;
PART II.—AMENDMENTS OF *"THE IRRIGATION ACTS, 1922 TO 1954" ;
PART III.—AMENDMENTS OF †"THE WATER ACTS, 1926 TO 1954."

* 13 G. 5 No. 29 and amending Acts.

† 17 G. 5 No. 12 and amending Acts.

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PART II.—
AMENDMENTS
OF “THE
IRRIGATION
ACTS, 1922 TO
1954.”

PART II.—AMENDMENTS OF **“THE IRRIGATION ACTS,
1922 TO 1954.”*

3. (1.) This Part II. of this Act shall be read as one with **“The Irrigation Acts, 1922 to 1954.”* Construction of Part II.

(2.) **“The Irrigation Acts, 1922 to 1954,”* and this Part II. of this Act may be collectively cited as *“The Irrigation Acts, 1922 to 1957.”* Collective title.

4. Section ten of **“The Irrigation Acts, 1922 to 1954,”* is amended— Amendments of s. 10.

(i.) By renumbering that section to be subsection one thereof;

(ii.) By repealing the fourth and fifth paragraphs of subsection one thereof as so renumbered as aforesaid (those repealed paragraphs being the paragraphs commencing respectively with the words “Provided nevertheless that at any time after the expiration of five years” and the words “The Minister shall make such adjustments of accounts”); and

(iii.) By adding to that section the following subsections:—

“(2.) Subject to this section, the Governor in Council may by Order in Council—

(a) Constitute for any Shire to which subsection one of this section applies, a Council under and within the meaning of the Local Authorities Act; or

(b) Include any such Shire in the Area of a Local Authority or include parts of any such Shire in the Areas of Local Authorities.

(3.) The Minister shall publish in the *Gazette* and in a newspaper which, in his opinion, circulates in the Shire comprised of the Irrigation Area in question, a notice of the intention of the Governor in Council to make an Order in Council under subsection two of this section.

That notice shall state the nature of the Order in Council intended to be made and that any persons who pursuant to †*“The Elections Acts, 1915 to 1952,”* are

* 13 G. 5 No. 29 and amending Acts.

† 6 G. 5 No. 13 and amending Acts.

enrolled as electors of the part, or parts respectively, of any electoral district, or electoral districts, within that Shire, may petition the Minister for a poll upon the question of whether or not the action proposed by the intended Order in Council should be taken and shall state a date before which persons may so petition, which date shall be not earlier than thirty days after the date of the publication of the notice in the *Gazette*.

(4.) The Governor in Council shall not make an Order in Council under subsection two of this section in respect of a Shire comprised of an Irrigation Area—

- (i.) Earlier than the date before which the published notice of intention to make the Order in Council specifies that persons may petition the Minister ;
- (ii.) (If more than ten per centum of the persons who, in relation to that Shire, are electors as specified in subsection three of this section have, before the date specified in that behalf in the published notice of intention to make the Order in Council, petitioned the Minister for a poll upon the question of whether the action proposed by the intended Order in Council should be taken) before the taking of that poll ; or
- (iii.) If upon the taking of that poll, more than fifty per centum of the voters thereat have voted against the taking of the action proposed by the intended Order in Council,

but, subject to this subsection, such an Order in Council may be made at any time.

(5.) Any poll hereinbefore in this section referred to shall be taken in accordance with the provisions for taking polls thereunder of the Local Authorities Act, and for that purpose the terms "Minister", "Local Authority", and "returning officer" wherever appearing in those provisions shall be read as referring respectively to the Minister administering this Act, the Commissioner, and the person appointed by the Commissioner by notice published in the *Gazette* to be the returning officer.

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(6.) The Governor in Council may by the Order in Council whereby he constitutes a Council for a Shire to which subsection one of this section applies, or by a separate Order in Council or Orders in Council—

- (i.) Assign a name to the Shire ;
- (ii.) Fix the number of the members who are to compose that Council, which number, exclusive of the chairman, shall be not more than twelve and not less than five ;
- (iii.) Fix a date for the first election under the Local Authorities Act of the chairman and members of that Council ;
- (iv.) Appoint a returning officer for that first election ;
- (v.) Give directions as he deems necessary respecting the compilation of the voters' roll for that first election.

Subject to this section and to any Order in Council hereunder, the first election of a Council constituted by Order in Council under this section shall be held in accordance with the provisions for holding elections thereunder of the Local Authorities Act.

The chairman and each member of the Council elected at the first election shall hold office under and subject to the Local Authorities Act as if that first election were a triennial election under that Act.

(7.) The Governor in Council may by Order in Council fix a date, not earlier than the completion of the first election of the chairman and members thereof, on and from which a Council constituted by Order in Council under this section shall be the Local Authority for the Shire concerned.

On and from the date so fixed—

- (a) The Council shall be the Local Authority under and within the meaning of the Local Authorities Act for the Shire concerned and shall govern that Shire under, subject to and in accordance with the Local Authorities Act and accordingly shall have vested in

and imposed upon it, and shall exercise and perform, with respect to the Shire, the functions, authorities, powers and duties conferred and imposed upon a Local Authority by the Local Authorities Act; and

- (b) The Commissioner shall cease to constitute the Council for the Shire concerned.

(8.) When a Council constituted by Order in Council under this section becomes the Local Authority for a Shire to which subsection one of this section applies and the Commissioner ceases to constitute that Local Authority, or when, by Order in Council, a Shire to which subsection one of this section applies is included in the Area of a Local Authority or parts of such a Shire are included in the Areas of Local Authorities,—

- (a) The assets and liabilities of the Commissioner as the Local Authority for the Shire in question shall devolve upon the Council constituted under this section for the Shire or, as the case may be, the Local Authority or Local Authorities in the Area or Areas whereof the Shire or parts thereof are included, and to the extent to which he deems it necessary to do so the Governor in Council may by Order in Council determine those assets and liabilities and, where more Local Authorities than one are concerned, apportion the same between them;
- (b) The valuation for the purposes of the Local Authorities Act of all rateable lands in the Shire in question shall (and notwithstanding that a Council is constituted the Local Authority for such Shire, or that such Shire is included in the Area of a Local Authority, or that parts thereof are included in the Areas of Local Authorities) continue in force until the making according to law of a fresh valuation thereof;
- (c) Subject to any determination or apportionment made by the Governor in Council pursuant to paragraph (a) of this subsection, any

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unpaid amount of any rate or charge made or levied by the Commissioner as the Local Authority for the Shire in question shall (and notwithstanding that a Council is constituted the Local Authority for such Shire, or that the Shire is included in the Area of a Local Authority, or that parts thereof are included in the Areas of Local Authorities) be and remain due and payable to, and may be levied and received or recovered by the Council constituted the Local Authority for the Shire, or by the Local Authority in the Area whereof the Shire, or in the case of a part of the Shire, the part containing the land to which the rate or charge is related, is included ;

- (d) In the case of the constitution under this section of a Council for a Shire, all by-laws under and within the meaning of the Local Authorities Act in force on the date when that Council becomes the Local Authority for the Shire shall continue in force until duly revoked or amended by the Council ;
- (e) In the case of the inclusion of a Shire in the Area of a Local Authority or of parts of a Shire in the Areas of Local Authorities, all by-laws under and within the meaning of the Local Authorities Act then in force in the Shire shall forthwith cease to have operation and effect, and the by-laws under and within the meaning of the Local Authorities Act of the Local Authority in the Area whereof that Shire or any part thereof is included, shall on and from the date of that inclusion, operate and have force and effect in that Shire or part until the same are duly revoked or amended by the Local Authority.

(9.) The power to make under this section any Order in Council shall include power to make such one or more Orders in Council, and either at the same time or from time to time, as the Governor in Council deems necessary or expedient in the circumstances."

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PART III.—
AMENDMENTS
OF “THE
WATER ACTS,
1926 TO 1954.”

PART III.—AMENDMENTS OF **“THE WATER ACTS, 1926 TO 1954.”*

Construction
of Part III.

5. (1.) This Part III. of this Act shall be read as one with “*The Water Acts, 1926 to 1954.*”

Collective
title.

(2.) **“The Water Acts, 1926 to 1954,”* and this Part III. of this Act may be collectively cited as “*The Water Acts, 1926 to 1957.*”

New s. 29A
inserted.

6. **“The Water Acts, 1926 to 1954,”* are amended by inserting, after section twenty-nine, the following section :—

Rate upon
unimproved
value.

“[29A.] In respect of any land within the area which is rateable for the purposes of the Local Authorities Act, the Board may, in lieu of making and levying a rate upon any basis specified in section twenty-nine of this Act, make and levy a rate upon the rateable value, for the purposes of †*“The Local Government Acts, 1936 to 1957,”* of that land.”

New s. 29B
inserted.

7. **“The Water Acts, 1926 to 1954,”* are further amended by inserting, after section 29A as previously inserted by this Act, the following section :—

Charge for
water
actually
used.

“[29B.] (1.) Subject to this section the Board may make and levy charges for water supplied by it for the purpose of defraying costs, charges and expenses incurred by it in and about the maintenance, repair, management and control of the works constructed by it or placed under its control under this Act, and in and about the management of the business of the Board.

(2.) For the purpose of raising all amounts required to make payment to the Treasurer of principal moneys and interest or rent or other payment required to be made by law in respect of capital expenditure upon works constructed by the Board or placed under its control under this Act, the Board, additionally to making and levying, pursuant to this section, charges for water supplied, may make and levy a rate or rates upon such of the bases set out in section twenty-nine of this Act as are applicable to the supply of water by the Board, or a rate, pursuant to section 29A of this Act, upon the

* 17 G. 5 No. 12 and amending Acts.

† 1 G. 6 No. 1 and amending Acts.

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rateable value, for the purposes of **"The Local Government Acts, 1936 to 1957,"* of all land within the area which is rateable for the purposes of that Act.

(3.) The provisions of subsection seven of section twenty-eight of this Act, and all provisions, including the provisions of section twenty-eight, of this Act with respect to the making, levying, and recovery of rates shall, with and subject to all necessary adaptations, apply with respect to charges authorised by this section to be made and levied for water supplied.

The power of the Commissioner under any provision of this Act to give to the Board a direction with respect to rates shall extend with respect to charges made and levied pursuant to this section."

* 1 G. 6 No. 1 and amending Acts.

WHEAT INDUSTRY STABILISATION.

See AGRICULTURE.
