

VICTORIA.



ANNO VICESIMO QUARTO

ELIZABETHÆ SECUNDÆ REGINÆ

No. 8729.

An Act to establish a Ministry of Water Resources and Water Supply for the purpose of ensuring the most efficient Utilization of the Water Resources of Victoria and for other purposes.

[16th May, 1975.]

BE it enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say) :—

- Short title.** 1. (1) This Act may be cited as the *Water Resources Act 1975*.
- Commencement.** (2) This Act shall come into operation on a day to be fixed by proclamation of the Governor in Council published in the *Government Gazette*.
- Interpretations.** 2. In this Act unless inconsistent with the context or subject-matter—
- “ Council. ” “ Council ” means the Water Resources Council appointed pursuant to section 6.
- “ Director. ” “ Director ” means the Director of Water Resources.
- “ Minister. ” “ Minister ” means the Minister of Water Supply.
3. There

3. There shall be a Ministry of Water Resources and Water Supply consisting of—

Ministry of
Water
Resources and
Water Supply.

- (a) the Minister of Water Supply ;
- (b) the Water Resources Council ; and
- (c) the Director of Water Resources and such other officers and employes as are necessary to carry out the functions of the Ministry.

4. The Minister shall—

Functions of
the Minister.

- (a) take such steps as are necessary and expedient for the purposes of the proper administration of this Act, the Acts referred to in Schedule One and any other Act which is for the time being administered by the Minister ; and
- (b) exercise and perform the powers and duties conferred or imposed upon him by this Act and the Acts referred to in Schedule One and such other Acts as are for the time being administered by the Minister.

5. It shall be the duty of the Minister to determine the means by which the water resources of Victoria can be conserved developed and utilized to the best advantage of the people of Victoria and to promote the extension and development of sewerage and drainage services and to ensure as far as practicable that adequate water is provided for the conservation of the flora and fauna of Victoria.

Duties of the
Minister.

6. (1) For the purposes of this Act there shall be a Water Resources Council consisting of eleven members appointed by the Governor in Council of whom—

Water
Resources
Council.

- (a) three shall be the Commissioners of the State Rivers and Water Supply Commission ;
- (b) one shall be the Chairman of the Melbourne and Metropolitan Board of Works ;
- (c) one shall be the Deputy Chairman of the Melbourne and Metropolitan Board of Works or if there is no such Deputy Chairman the Secretary of the Melbourne and Metropolitan Board of Works ;
- (d) one shall be the Engineer-in-Chief of the Melbourne and Metropolitan Board of Works ;
- (e) one shall be appointed as the representative of the Waterworks Trusts constituted under the *Waterworks Trusts Association of Victoria Act 1966* ;
- (f) one shall be the nominee of the Victorian Irrigators Central Council ;
- (g) one shall be the nominee of the Minister for Conservation ;

(h) one

(h) one shall be the Co-ordinator of Works ; and

(i) one shall be the Director who shall be the Chairman.

(2) In the absence of the Chairman from a meeting of the Council the members present shall elect one of their number to be the Chairman of the meeting.

(3) The decision upon any matter of the majority of the members at any meeting shall be the decision of the Council on that matter and in the event of an equality of votes on any matter the Chairman of the meeting shall have a second or casting vote.

(4) A quorum of the Council shall consist of not less than four members and subject to there being a quorum the Council may act notwithstanding any vacancy in its membership.

(5) Subject to this Act the Council may regulate its own proceedings in such manner as it thinks fit.

(6) The members of the Council shall not as such be subject to the *Public Service Act* 1958.

(7) The member of the Council appointed as the representative of the Waterworks Trusts constituted under the *Waterworks Trusts Association of Victoria Act* 1958 and the member nominated by the Victorian Irrigators Central Council and the nominee of the Minister for Conservation shall be entitled to receive such fees and allowances as are from time to time fixed by the Governor in Council.

Functions of
the Council.

7. The functions of the Council shall be to investigate and advise the Minister generally on matters pertaining to the water resources of the State or to water supply drainage or sewerage throughout the State referred to it by the Minister.

Appointment
of Director.

8. (1) The Director of Water Resources shall be appointed by the Governor in Council for such term and on such conditions as are determined by the Governor in Council and shall be entitled to receive such salary and allowances as are from time to time fixed by the Governor in Council and shall not in respect of his office be subject to the *Public Service Act* 1958.

(2) The Governor in Council may at any time remove any person appointed under sub-section (1) and subject to this Act may appoint any other person in his stead.

(3) A person shall not be appointed to the office of Director of Water Resources unless he is the holder of an appropriate recognized tertiary qualification and has had experience in the management of water resources.

(4) The Director shall not during his continuance in office directly or indirectly engage in any paid employment outside the duties of his office without the consent of the Governor in Council.

(5) If

(5) If the Director immediately prior to his appointment was an officer of the public service or (having formerly been an officer of the public service) was engaged or employed in any office or capacity in which he was eligible on the recommendation of the Public Service Board to be re-appointed upon the termination of such engagement or employment to some office in the public service he shall—

Saving of rights of Director under *Public Service Act 1958*.

- (a) be eligible on the recommendation of the Public Service Board to be re-appointed at the termination of his appointment to some office in the public service with a classification and emolument corresponding with or higher than that which he held in the public service immediately prior to his appointment as if his service in such appointment or appointments had been service with the public service and be classified accordingly ; and
- (b) for the purposes of section 63 of the *Public Service Act 1958* be deemed to continue to be a member of the public service for the period of his appointment.

(6) If the Director was immediately prior to his appointment an officer within the meaning of the *Superannuation Act 1958* or any corresponding previous enactment he shall notwithstanding his appointment be deemed to continue subject to that Act to be an officer within the meaning of that Act.

Saving of superannuation of Director.

9. Subject to the *Public Service Act 1958* there shall be appointed such officers or employes as are necessary for the purpose of this Act.

Staff.

10. (1) On and from the commencement of this Act the administration of the Acts mentioned in Schedule One shall be transferred to and vested in the Minister of Water Supply who shall have all the powers and duties of the Minister thereunder.

Transfer of administrations.

(2) Any reference in any Act to the Department of Water Supply shall be read and construed as a reference to the Ministry of Water Resources and Water Supply.

(3) In connexion with the transfer of the administration of any Act or enactment pursuant to this Act the following provisions shall have effect :—

- (a) In the construction of any Act judgment decree order award deed contract regulation by-law or other instrument or document passed or made before the transfer, but so far only as may be necessary for the

purpose

purpose of the transfer, the name of the Minister of Water Supply shall be deemed to be substituted for the name of any other Minister and the name of the Ministry of Water Resources and Water Supply shall be deemed to be substituted for the name of the Department of Water Supply ;

- (b) Where before the transfer anything has been commenced by or under the authority of any other Minister or Government department in relation to the administration so transferred that thing may be carried on and completed by or under the authority of the Minister of Water Supply ; and
- (c) Where at the time of the transfer any legal proceeding is pending to which any other Minister or Government department is a party and that proceeding has reference to any administration so transferred the Minister of Water Supply shall be substituted in such proceeding for the other Minister or department and the proceeding shall not be affected or abated by reason of such substitution.

Further
transfers not
to be affected.

11. Nothing in this Act shall prevent—

- (a) the transfer to or the vesting in the Minister of the administration of any Act in addition to those referred to in Schedule One ; or
- (b) the transfer from the Minister of the administration of any of the Acts referred to in Schedule One or any provision of any such Act—

in any manner in which the administration of Acts is customarily transferred between or vested in Ministers of State in Victoria.

Repeals and
Amendments

12. The Acts and enactments mentioned in Schedule Two are to the extent to which they are therein expressed to be repealed or amended are hereby repealed or amended accordingly.

SCHEDULES.

SCHEDULE ONE.

<i>Geelong Waterworks and Sewerage Act 1958 ;</i>	No. 6263.
<i>Latrobe Valley Act 1958 ;</i>	No. 6290.
<i>Melbourne and Metropolitan Board of Works Act 1958 Parts I., II., III., IIIA., IV., V., VII., VIII., IX. and X. ;</i>	No. 6310.
<i>Mildura Irrigation and Water Trusts Act 1958 ;</i>	No. 6316.
<i>Sewerage Districts Act 1958 ;</i>	No. 6358.
<i>Water Act 1958 ;</i>	No. 6413.
<i>Dandenong Valley Authority Act 1963 ;</i>	No. 7060.
<i>West Moorabool Water Board Act 1968 ;</i>	No. 7698.
<i>Groundwater Act 1969 Part V. ;</i>	No. 7849.
<i>State Rivers and Water Supply Commission (Special Projects) Act 1969.</i>	No. 7856.

SCHEDULE TWO.

1. In sub-section (5) of section 24 of the *Public Service Act 1958* for the words "the Water Supply Department" there shall be substituted the words "the Ministry of Water Resources and Water Supply".

2. In sub-section (2) of section 23 of the *Water Act 1958* for the words "Water Supply Department" there shall be substituted the words "Ministry of Water Resources and Water Supply".