

Queensland



ANNO TRICESIMO

ELIZABETHAE SECUNDAE REGINAE

No. 95 of 1981

**An Act to amend the River Improvement Trust Act
1940–1977 in certain particulars and for related purposes**

[ASSENTED TO 11TH DECEMBER, 1981]

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 1981*.

(2) In this Act the *River Improvement Trust Act 1940–1977* 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 1940–1981*.

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

(a) omitting the definition “Commissioner” and substituting the following definition:—

“ “Commissioner”—The Commissioner of Water Resources within the meaning of the *Water Resources Administration Act 1978–1981*;”;

(b) omitting the definition “Minister” and substituting the following definition:—

“ “Minister”—The Minister of the Crown for the time being charged with the administration of this Act and includes any person who is temporarily performing the duties of the Minister;”;

(c) inserting after the definition “River Improvement Area” the following definition:—

“ “Security”—includes a mortgage (legal or equitable), encumbrance, charge, lien, bond, debenture, debenture stock, floating charge, bill of sale, lien on wool, mortgage on livestock, lien on crops, guarantee or other written instrument duly issued or granted by way of security to a Trust;”.

3. New s. 6A. The Principal Act is amended by inserting after section 6 the following section:—

“ **6A. Maintenance of a superannuation scheme.** (1) A Trust may, with the approval of the Governor in Council by Order in Council, institute and maintain a scheme or schemes for the provision of superannuation benefits to its officers and employees and for that purpose may provide in such manner as it considers appropriate for the establishment and maintenance of such funds as it considers necessary or desirable and may contribute to such funds.

(2) A Trust shall not amend a superannuation scheme maintained by it without the consent of the Governor in Council by Order in Council first had and obtained.

(3) The Governor in Council may in his absolute discretion approve or refuse to approve a proposal to maintain or amend a superannuation scheme.”.

4. New s. 12A. The Principal Act is amended by inserting after section 12 the following section:—

“ **12A. Investment of moneys.** A Trust may at any time it is of the opinion that moneys standing to the credit of any fund kept by it are not required for the time being for the purposes of the fund, invest those moneys—

- (a) in securities of or guaranteed by the Government of the Commonwealth or of the State;
- (b) with, or on deposit with, a bank or in securities of a bank;
- (c) with any authorized dealer in the short term money market with established lines of credit with the Reserve Bank of Australia as lender of last resort;
- (d) in such other securities as may be approved by the Treasurer:

Provided that the investment is not to have a term in excess of 12 months unless that term is approved by the Treasurer.

Every security, safe custody acknowledgement or other document evidencing title issued in respect of an investment shall be held by the Trust.

For the purposes of this section, save where a contrary intention appears, the term “ bank ” means a bank carrying on business under the authority of an Act of the Commonwealth or of any State.”.

5. Amendment of s. 14. Liability of Local Authority to contribute to Trust. Section 14 of the Principal Act is amended by in subsection (1) omitting the fourth paragraph and substituting the following paragraph:—

“ Where one of the following parties namely—

- (a) a Harbour Board;
 - (b) any corporation, instrumentality or authority created by or under any Act; or
 - (c) the owner or the owner and occupier, as the case may be, of land in a River Improvement Area,
- pursuant to section 14A or section 14B—
- (d) enters into an arrangement with a Trust; and
 - (e) thereby undertakes to contribute in aid of the undertaking and maintenance, or undertaking or maintenance, of any works by the Trust under the Act,

then for the purpose of ascertaining the sum liable to be contributed to the Trust by the Local Authority or Local Authorities, as the case may be, pursuant to this section, the amount of revenue estimated by the Trust in the budget adopted by it for the year in question shall be first reduced by the sum payable in that year by the Harbour Board, corporation, instrumentality, authority, owner or occupier, as the case may be, to the Trust under the terms of that arrangement.”.

6. Amendment of s. 14B. Other contributions in aid of works. Section 14B of the Principal Act is amended by—

(a) inserting after subsection (3) the following subsections:—

“(3A) A Trust may make with the owner or where the owner is not the occupier, with the owner and occupier, of land within the River Improvement Area an arrangement whereby such owner, or owner and occupier, as the case may be, undertakes to contribute in aid of the undertaking and maintenance, or undertaking or maintenance, of any works by the Trust under this Act which are or will be to the benefit of such owner, or owner and occupier as the case may be.

(3B) Subject to this Act, for the purpose of making an arrangement under subsection (3A), a Trust has power to do all things necessary or convenient to be done in connexion with, or incidental to, the making of that arrangement.

(3C) Without limiting the generality of subsection (3B), and any other powers conferred upon the Trust by this Act other than this section, the powers of a Trust include power—

(a) to make and carry out such contracts, agreements or arrangements as are in its opinion necessary or desirable to enable it to properly perform its functions and duties or any of them under this section; and

(b) to obtain, take and hold securities (if any) for the payment of any sum by any person or corporation pursuant to this section (including interest charges and expenses chargeable in respect thereof).

(3D) All contracts or agreements made by a Trust in respect of an arrangement under subsection (3A) shall be effectual in law and shall be binding on the Trust and all other parties thereto, their successors, executors, administrators, and permitted assigns, as the case may be, and it shall be deemed that the works referred to in such contracts or agreements are or will be to the benefit of the owner or owner and occupier in question.

(3E) In the case of default under the provisions of any contract or agreement under subsection (3A), either by the Trust or by any other party thereto, such actions may be maintained thereon and such damages and costs recovered by or against the Trust or the other parties failing to comply with those provisions, as might have been maintained and recovered if the same contracts or agreements had been made between private persons only.

(3F) The remedies provided in the case of default, under subsection (3E), are in addition to, and not in substitution for, the remedy made available to a Trust under subsection (4).

(3G) Notwithstanding the provisions of any other Act or law, an instrument, agreement, contract or security document, executed or made pursuant to this section shall be exempt from stamp duty.”;

(b) in subsection (4) omitting the words “or authority” and substituting the expression and words “, authority or owner or occupier of land”.

7. **New s. 20A.** The Principal Act is amended by inserting after section 20 the following section:—

“**20A. Audit and Accounts.** The accounts of a Trust including the accounts of a superannuation scheme or schemes instituted under section 6A shall be audited by the Auditor-General or an authorized officer within the meaning of the *Financial Administration and Audit Act 1977–1978* directed by the Auditor-General, each of whom shall have with respect to such audit and accounts all the powers and authorities conferred on him by that Act as if the Trust were a Department of the Government of the State.

The fee payable by the Trust in respect of the audit shall be fixed by the Auditor-General.”.

8. **Amendment of s. 22. Regulations and Orders in Council.** Section 22 of the Principal Act is amended by—

(a) in subsection (1)—

(i) in the second paragraph omitting subparagraph (a) and substituting the following subparagraph:—

“(a) The form and manner in which the books of account of the Trust or of a superannuation scheme or schemes instituted or maintained by the Trust for its officers and employees and the annual budget of the Trust shall be framed”.

(ii) omitting subparagraph (b);

(b) in subsection (6) omitting the first paragraph and substituting the following paragraph:—

“All Orders in Council and regulations shall be laid before the Legislative Assembly within fourteen sitting days from the day of publication in the Gazette.”.