



Queensland

River Improvement Trust Act 1940

River Improvement Trust Regulation 1998

Current as at 17 May 2013

**NOTE—This is the last reprint before repeal.
Repealed on 23 August 2013 by 2013 SL No.
166 s 8**

Information about this reprint

This reprint shows the legislation current as at the date on the cover and is authorised by the Parliamentary Counsel.

A new reprint of the legislation will be prepared by the Office of the Queensland Parliamentary Counsel when any change to the legislation takes effect. This change may be because a provision of the original legislation, or an amendment to it, commences or because a particular provision of the legislation expires or is repealed.

When a new reprint is prepared, this reprint will become a historical reprint. Also, if it is necessary to replace this reprint before a new reprint is prepared, for example, to include amendments with a retrospective commencement, an appropriate note would be included on the cover of the replacement reprint and on the copy of this reprint at www.legislation.qld.gov.au.

The endnotes to this reprint contain detailed information about the legislation and reprint. For example—

- The table of reprints endnote lists any previous reprints and, for this reprint, gives details of any discretionary editorial powers under the *Reprints Act 1992* used by the Office of the Queensland Parliamentary Counsel in preparing it.
- The list of legislation endnote gives historical information about the original legislation and the legislation which amended it. It also gives details of uncommenced amendments to this legislation. For information about possible amendments to the legislation by Bills introduced in Parliament, see the Queensland Legislation Current Annotations at www.legislation.qld.gov.au/information.
- The list of annotations endnote gives historical information at section level.

All Queensland reprints are dated and authorised by the Parliamentary Counsel. The previous numbering system and distinctions between printed and electronic reprints are not continued.



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River Improvement Trust Regulation 1998

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River Improvement Trust Regulation 1998

[as amended by all amendments that commenced on or before 17 May 2013]

Part 1 Preliminary

1 Short title

This regulation may be cited as the *River Improvement Trust Regulation 1998*.

Part 2 River improvement areas and trusts

3 Continuance in existence of certain river improvement areas and trusts

- (1) This section applies to each river improvement area mentioned in the first column of the schedule and the trust constituted for the area and mentioned in the second column of the schedule opposite the area.
- (2) The river improvement area and trust are continued in existence by this section.
- (3) The local government area or part of a local government area comprising the river improvement area is stated in the third column of the schedule opposite the river improvement area.
- (4) If the area comprising the river improvement area is stated by reference to a map, the chief executive and the trust concerned must make copies of the map available for public inspection free of charge at the office of the department at Brisbane and the office of the trust during normal business hours.

[s 3A]

3A Transfer of Douglas Shire River Improvement Trust assets and liabilities to Cairns River Improvement Trust

- (1) This section applies to the assets and liabilities that, immediately before the commencement of this section, were assets and liabilities of the Douglas Shire River Improvement Trust.
- (2) On the commencement of this section, the assets and liabilities become the assets and liabilities of the Cairns River Improvement Trust.

3B Changes to Boonah Shire River Improvement Area and Boonah Shire River Improvement Trust

- (1) The Boonah Shire River Improvement Area is changed by adding the local government area of the Scenic Rim Regional Council, other than the part of the area that was, immediately before 15 March 2008, the local government area of the Boonah Shire Council.
- (2) The name of the Boonah Shire River Improvement Area is changed to the Scenic Rim Rivers Improvement Area.
- (3) The name of the trust constituted for the Boonah Shire River Improvement Area is changed to the Scenic Rim Rivers Improvement Trust.
- (4) From the commencement of this section—
 - (a) a reference in an Act or document to the Boonah Shire River Improvement Area is a reference to the Scenic Rim Rivers Improvement Area; and
 - (b) a reference in an Act or document to the Boonah Shire River Improvement Trust is a reference to the Scenic Rim Rivers Improvement Trust.

3C Changes to Johnstone Shire River Improvement Area and Trust

- (1) The Johnstone Shire River Improvement Area is changed by adding all of the Cardwell Shire River Improvement Area.

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- (2) The name of the river improvement area consisting of the Johnstone Shire River Improvement Area and Cardwell Shire River Improvement Area is changed to the Cassowary Coast River Improvement Area.
 - (3) The name of the trust constituted for the Cassowary Coast River Improvement Area is changed from the Johnstone Shire River Improvement Trust to the Cassowary Coast River Improvement Trust.
 - (4) In this section—

Cardwell Shire River Improvement Area means the river improvement area to which that name was assigned under this regulation before the commencement of this section.

Johnstone Shire River Improvement Area means the river improvement area to which that name was assigned under this regulation before the commencement of this section.

3D Transfer of Cardwell Shire River Improvement Trust assets and liabilities to Cassowary Coast River Improvement Trust

- (1) This section applies to the assets and liabilities that, immediately before the commencement of this section, were the assets and liabilities of the Cardwell Shire River Improvement Trust.
- (2) On the commencement of this section, the assets and liabilities become the assets and liabilities of the Cassowary Coast River Improvement Trust.
- (3) In this section—

Cardwell Shire River Improvement Trust means the trust of that name that was in existence before the commencement of section 3C.

Note—

See section 3(3E) and (3F) of the Act.

[s 3E]

3E Abolition of Clifton and Jondaryan river improvement areas and trusts for the areas

- (1) The following river improvement areas are abolished—
 - (a) the river improvement area that, before the commencement of this section, was constituted and assigned the name Clifton Shire River Improvement Area;
 - (b) the river improvement area that, before the commencement of this section, was constituted and assigned the name Jondaryan Shire River Improvement Area.
- (2) The trust for each river improvement area mentioned in subsection (1) is abolished.

3F Vesting of Clifton and Jondaryan Shire River Improvement Trust assets and liabilities in Toowoomba Regional Council

- (1) This section applies to the assets and liabilities that, immediately before the commencement of this section, were the assets and liabilities of the Clifton Shire River Improvement Trust or Jondaryan Shire River Improvement Trust.
- (2) On the commencement of this section, the assets and liabilities are vested in the Toowoomba Regional Council.
- (3) In this section—

Clifton Shire River Improvement Trust means the trust of that name that was in existence immediately before the commencement of section 3E.

Jondaryan Shire River Improvement Trust means the trust of that name that was in existence immediately before the commencement of section 3E.

4 Area comprised in Burdekin Shire Rivers Improvement Area

The Burdekin Shire Rivers Improvement Area comprises the local government area of the Burdekin Shire Council.

Part 3 Administrative matters about trusts

5 Ordinary meetings

A trust must meet as often as it considers necessary for the conduct of its business.

6 Special meetings

- (1) The chairperson of a trust may call a special meeting of the trust at any time.
- (2) The chairperson must call a special meeting if asked in writing to do so by at least 2 trust members.

7 Notice of meetings

- (1) The secretary of a trust must deliver to each trust member written notice of each meeting.
- (2) The notice must be delivered at least 3 whole business days before the meeting.
- (3) However the chairperson of the trust may direct the secretary to give shorter notice of a special meeting if the chairperson considers it necessary to do so having regard to the object of the meeting.

8 Minutes

- (1) A trust must keep minutes of its meetings.

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- (2) The minutes must include the names of the trust members present at each meeting.
- (3) The minutes of a meeting must be signed by the chairperson of the trust at the next meeting.

9 Copy of minutes to be given to chief executive

The secretary of a trust must give a copy of the minutes of a meeting of the trust to the chief executive within 2 weeks of the meeting.

10 Payments to members

- (1) Members of a trust are entitled to be paid the fees and allowances that may be decided by resolution of the trust.
- (2) The amounts of the fees and allowances must not be more than the amounts decided for the purpose by the Governor in Council and advised to the trust.

11 Allowance for secretary

A trust may pay the secretary of the trust the reasonable allowance decided by the trust having regard to the secretary's duties under the Act.

Part 4 Miscellaneous

12 Improvement notices

- (1) Each improvement notice issued under section 11 of the Act by a trust must be numbered by the trust using a system that gives each notice a unique number.
- (2) Failure to comply with subsection (1) does not affect the validity of the notice.

13 Register of improvement notices

- (1) The trust must keep a register of improvement notices issued by it under section 11 of the Act.
- (2) The register must include a copy of each notice.
- (3) To the extent the following are not stated in the copy of the notice, the register must include the following for each notice—
 - (a) the name and address of the person to whom the notice is issued;
 - (b) the date of the notice;
 - (c) a description of the land to which the notice relates.
- (4) The trust must make the register available for public inspection free of charge at the trust's office during normal business hours.

14 Annual budget—Act s 13

For section 13(6) of the Act the prescribed date is 31 August in each year.

Part 5 Transitional provisions for River Improvement Trust Amendment Regulation (No. 1) 2013

15 Definitions for pt 5

In this part—

Cardwell Shire River Improvement Trust see section 3D(3).

commencement means the commencement of this section.

16 Improvement notices issued by Cardwell Shire River Improvement Trust

- (1) This section applies if—
 - (a) before the commencement, the Cardwell Shire River Improvement Trust gave a person an improvement notice under section 11 of the Act; and
 - (b) the improvement notice was in force immediately before the commencement.
- (2) The improvement notice has effect as if it had been given by the Cassowary Coast River Improvement Trust.

17 References to particular previous river improvement areas and trusts

- (1) From the commencement—
 - (a) a reference in a document to a previous river improvement area may, if the context permits, be taken to be a reference to the Cassowary Coast River Improvement Area; and
 - (b) a reference in a document to a previous trust may, if the context permits, be taken to be a reference to the Cassowary Coast River Improvement Trust.

- (2) In this section—

previous river improvement area means the Cardwell Shire River Improvement Area or Johnstone Shire River Improvement Area.

previous trust means the Cardwell Shire River Improvement Trust or Johnstone Shire River Improvement Trust.

Schedule **River improvement areas and trusts continued in existence**

section 3

River improvement area	Trust	Local government area or part comprising river improvement area
Cairns River Improvement Area	Cairns River Improvement Trust	the local government area of the Cairns Regional Council
Cassowary Coast River Improvement Area	Cassowary Coast River Improvement Trust	the local government area of the Cassowary Coast Regional Council
Don River Improvement Area	Don River Improvement Trust	part of the local government area of the Whitsunday Regional Council as described on plan AP19394 held in the department
Herbert River Improvement Area	Herbert River Improvement Trust	the local government area of the Hinchinbrook Shire Council
Ipswich Rivers Improvement Area	Ipswich Rivers Improvement Trust	the local government area of the Ipswich City Council
Pioneer River Improvement Area	Pioneer River Improvement Trust	part of the local government area of the Mackay Regional Council as described on plan AP19398 held in the department

Schedule

River improvement area	Trust	Local government area or part comprising river improvement area
Scenic Rim Rivers Improvement Area	Scenic Rim Rivers Improvement Trust	the local government area of the Scenic Rim Regional Council
Stanthorpe Shire River Improvement Area	Stanthorpe Shire River Improvement Trust	part of the local government area of the Southern Downs Regional Council as described on plan AP19399 held in the department
Wambo Shire River Improvement Area	Wambo Shire River Improvement Trust	part of the local government area of the Western Downs Regional Council as described on plan AP19400 held in the department
Warwick Shire River Improvement Area	Warwick Shire River Improvement Trust	part of the local government area of the Southern Downs Regional Council as described on plan AP19401 held in the department
Whitsunday Rivers Improvement Area	Whitsunday Rivers Improvement Trust	part of the local government area of the Whitsunday Regional Council as described on plan AP19402 held in the department

Endnotes

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2 Date to which amendments incorporated

This is the reprint date mentioned in the *Reprints Act 1992*, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 17 May 2013. Future amendments of the *River Improvement Trust Regulation 1998* may be made in accordance with this reprint under the *Reprints Act 1992*, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No. [X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised version
num	= numbered	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

4 Table of reprints

A new reprint of the legislation is prepared by the Office of the Queensland Parliamentary Counsel each time a change to the legislation takes effect.

The notes column for this reprint gives details of any discretionary editorial powers under the *Reprints Act 1992* used by the Office of the Queensland Parliamentary Counsel in preparing it. Section 5(c) and (d) of the Act are not mentioned as they contain mandatory requirements that all amendments be included and all necessary consequential amendments be incorporated, whether of punctuation, numbering or another kind. Further details of the use of any discretionary editorial power noted in the table can be obtained by contacting the Office of the Queensland Parliamentary Counsel by telephone on 3237 0466 or email legislation.queries@oqpc.qld.gov.au.

From 29 January 2013, all Queensland reprints are dated and authorised by the Parliamentary Counsel. The previous numbering system and distinctions between printed and electronic reprints is not continued with the relevant details for historical reprints included in this table.

Reprint No.	Amendments included	Effective	Reprint date
1	none	26 June 1998	2 July 1998
1A	1999 SL No. 228	8 October 1999	11 October 1999

Reprint No.	Amendments included	Effective	Notes
1B	2007 SL No. 90	18 May 2007	
1C	—	20 May 2007	provs exp 19 May 2007
1D	2008 SL No. 63	15 March 2008	R1D withdrawn, see R2
2	—	15 March 2008	
2A	2008 SL No. 369	7 November 2008	
2B	2010 SL No. 13	19 February 2010	

Current as at	Amendments included	Notes
17 May 2013	2013 SL No. 68	

5 List of legislation

Regulatory impact statements

For subordinate legislation that has a regulatory impact statement, specific reference to the statement is included in this list.

Explanatory notes

All subordinate legislation made on or after 1 January 2011 has an explanatory note. For subordinate legislation made before 1 January 2011 that has an explanatory note, specific reference to the note is included in this list.

River Improvement Trust Regulation 1998 SL No. 190
made by the Governor in Council on 23 June 1998

notfd gaz 26 June 1998 pp 1036–7

commenced on date of notification

exp 31 August 2013 (see SIA s 56A(2) and SIR s 4 sch 2 pt 2)

Note—The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

amending legislation—

Natural Resources Legislation Amendment Regulation (No. 2) 1999 SL No. 228 pts 1–2

notfd gaz 8 October 1999 pp 559–60

commenced on date of notification

Water and Other Legislation Amendment Regulation (No. 1) 2007 SL No. 90 s 1, pt 2

notfd gaz 18 May 2007 pp 345–8

commenced on date of notification

River Improvement Trust Amendment Regulation (No. 1) 2008 SL No. 63

notfd gaz 14 March 2008 pp 1469–72

ss 1–2 commenced on date of notification

remaining provisions commenced 15 March 2008 (see s 2)

Water and Other Legislation Amendment Regulation (No. 2) 2008 SL No. 369 pts 1, 4

notfd gaz 7 November 2008 pp 1319–21

commenced on date of notification

Environment and Resource Management and Other Legislation Amendment Regulation (No. 1) 2010 SL No. 13 pts 1, 11

notfd gaz 19 February 2010 pp 407–9

commenced on date of notification

River Improvement Trust Amendment Regulation (No. 1) 2013 SL No. 68

notfd gaz 17 May 2013 pp 83–4

commenced on date of notification

6 List of annotations

Change of name of certain river improvement areas and trusts

s 2 om 1999 SL No. 228 s 3

Transfer of Douglas Shire River Improvement Trust assets and liabilities to Cairns River Improvement Trust

s 3A ins 2008 SL No. 63 s 4

Changes to Boonah Shire River Improvement Area and Boonah Shire River Improvement Trust

s 3B ins 2008 SL No. 369 s 31

Changes to Johnstone Shire River Improvement Area and Trust

s 3C ins 2013 SL No. 68 s 3

Endnotes

Transfer of Cardwell Shire River Improvement Trust assets and liabilities to Cassowary Coast River Improvement Trust

s 3D ins 2013 SL No. 68 s 3

Abolition of Clifton and Jondaryan river improvement areas and trusts for the areas

s 3E ins 2013 SL No. 68 s 3

Vesting of Clifton and Jondaryan Shire River Improvement Trust assets and liabilities in Toowoomba Regional Council

s 3F ins 2013 SL No. 68 s 3

PART 5—TRANSITIONAL PROVISIONS FOR RIVER IMPROVEMENT TRUST AMENDMENT REGULATION (No. 1) 2013

pt hdg orig pt hdg sub 1999 SL No. 228 s 4
exp 9 October 1999 (see s 16)
prev pt hdg ins 2007 SL No. 90 s 4
exp 19 May 2007 (see s 16)
pres pt hdg ins 2013 SL No. 68 s 4

Definitions for pt 5

s 15 orig s 15 sub 1999 SL No. 228 s 4
exp 9 October 1999 (see s 16)
prev s 15 ins 2007 SL No. 90 s 4
exp 19 May 2007 (see s 16)
pres s 15 ins 2013 SL No. 68 s 4

Improvement notices issued by Cardwell Shire River Improvement Trust

s 16 orig s 16 ins 1999 SL No. 228 s 4
exp 9 October 1999 (see s 16)
prev s 16 ins 2007 SL No. 90 s 4
exp 19 May 2007 (see s 16)
pres s 16 ins 2013 SL No. 68 s 4

References to particular previous river improvement areas and trusts

s 17 ins 2013 SL No. 68 s 4

SCHEDULE—RIVER IMPROVEMENT AREAS AND TRUSTS CONTINUED IN EXISTENCE

amd 1999 SL No. 228 s 5; 2007 SL No. 90 s 5
sub 2008 SL No. 63 s 5
amd 2008 SL No. 369 s 32; 2010 SL No. 13 s 22; 2013 SL No. 68 s 5