

[CONFIDENTIAL.]

No. , 1916.

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A BILL

To provide for the better destruction of certain aquatic pests; for the protection of rivers; for the constitution and powers of river protection boards; for the amendment of the Local Government Act, 1906, and certain other Acts; for the validation of certain Acts; and for purposes consequent thereon or incidental thereto.

[MR. GRIFFITH ;— , 1916.]

**B**E 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:—

DIVISION 1—*Short title, Interpretation, &c.*

**1.** (1) This Act may be cited as the "River Protection Act, 1916." Short title.

(2) This Act shall be read with and as part of the Local Government Act, 1906, and any Acts amending that Act. Read with L. G. Act, 1906..

**2.** In this Act, unless inconsistent with the text or subject-matter— Definitions.

"Aquatic pest" means water hyacinth, thread of life, and any other plant declared by proclamation to be an aquatic pest for the purposes of this Act.

"Board" means a river protection board constituted under this Act.

"District" means a river district constituted under this Act.

"Water hyacinth" means the plant variously called *Eichhornia crassipes*, *Eichhornia speciosa*, and *Pontederia crassipes*, and commonly known as water hyacinth.

"Thread of life" means the plant commonly known by that name and recognised by botanists as a species of *myriophyllum*.

DIVISION 2.—*River districts.*

**3.** (1) The Governor may, by proclamation, constitute as a river district— Districts.

(a) the whole or any part of any municipality or shire; or

(b) any group of wholes and parts of municipalities or shires, or of both municipalities and shires;

and may, by proclamation, alter the boundaries of districts.

(2)

136

(2) Any proclamation hereunder may be rescinded, altered, or varied by the Governor by proclamation. Alteration of districts.

(3) The Governor may, by proclamation, give names to such districts, and may alter such names. Naming districts.

(4) The Governor may, by proclamation, alter the boundaries of any district or may abolish any district and its board; and in any such case may make arrangements for the disposal of its assets and the discharge of its liabilities. Alteration or abolition of districts.

DIVISION 3.—*River protection boards.*

4. (1) For each district there shall be a river protection board composed of the delegates elected as hereinafter provided. Boards.

(2) On the constitution of a district the council of each municipality and shire included or partly included therein shall forthwith elect one of its members to be a delegate to the board for such district, and shall inform the Minister of the name and address of such delegate : First election of delegates.

Provided that where the number of councils entitled to elect delegates is less than three the Minister may fix the number of delegates to be elected at any number not exceeding seven, and may also fix the number of delegates to be elected by each council.

(3) After each general election of a council of a municipality or shire included or partly included in a district, the council shall forthwith elect one (or such other number as the Minister has fixed as aforesaid) of its members to be a delegate, and upon such election the term of office of the delegate theretofore representing such council shall end. Triennial retirements and elections.

(4) Any delegate may resign his office by letter to the board. The board shall thereupon advise the council which elected him. Resignation.

(5) Where the office of a delegate becomes vacant, the council by whom such delegate was elected shall forthwith elect one of its members to fill the vacancy. Filling vacancies.

(6) The council shall advise the board of each election of a delegate. Notification.

5.

137

5. (1) A river protection board shall be a corporate body with perpetual succession and a common seal. Corporate body.

(2) The first meeting of the board after the proclamation of a district shall be convened by the Minister by letter addressed to each delegate. First meeting.

(3) The board shall each year elect a chairman, who shall preside at its meetings, shall have power to give effect to the resolutions of the board, and shall have a deliberative vote, and, in case of equal voting, a casting vote. Chairman.

(4) The board shall cause minutes to be kept of all resolutions passed at its meetings, and the book containing such minutes shall be open to public inspection at all reasonable times. Minutes.

(5) A majority in number of the delegates to the board shall form a quorum; and all meetings duly convened at which a quorum is present shall be competent to transact business. Quorum.

(6) Meetings of the board shall be convened and conducted in accordance with the procedure prescribed for meetings of councils of shires so far as the same are applicable. Procedure.

(7) All meetings of the board and all its sittings in committee of the whole shall be open to the public. Meetings.

(8) The board shall forward to each shire and municipal council within its district and to the Minister a report on its operations and income and expenditure for each year. Annual Report.

(9) The board may, subject to the ordinances in that behalf, pay to its members reasonable allowances towards their expenses in travelling to and from meetings of the board or on the business of the board. Expenses.

DIVISION 4.—Powers of Boards.

6. (1) The board shall have power to destroy aquatic pests within its district, or to remove aquatic pests to and deposit them in any waters which are both tidal and salt within or beyond the district. Destruction of pests.

(2) The board may, by itself or its servants, enter any public or private land within the district and deposit Power of entry on land. Compensation.

138

deposit any aquatic pest thereon and destroy it; but shall, in the absence of any agreement with the owner or occupier of any private land, pay fair and reasonable compensation for any damage done by the depositing and destruction on such lands of aquatic pests taken from other land.

(3) The board may, by itself or its servants, enter <sup>Entry.</sup> any public or private land for any purpose of this Part, and for that purpose shall have the powers conferred upon a council by the Local Government Act, 1906.

(4) The board may temporarily obstruct naviga- <sup>Navigation.</sup> tion in any waters to a reasonable extent for the purposes of its operations.

DIVISION 5.—*Ordinances.*

**7.** (1) Ordinances may be made for carrying this <sup>Ordinances.</sup> Act into effect, and in particular for and with respect to—

- (a) requiring the owners or occupiers of any land within a district to destroy aquatic pests on such land;
- (b) specifying the method of destruction to be followed;
- (c) prohibiting the cultivation or transport of aquatic pests;
- (d) requiring persons to destroy or remove trees, scrub, fallen timber, or rubbish in any river, watercourse, or inland waters, tidal or non-tidal, situated on the land owned or occupied by them; and
- (e) applying, *mutatis mutandis*, to river protection boards (subject to the provisions of this Act) any of the provisions of the Local Government Act, 1906, relating to councils.

(2) The provisions of the Local Government Act, 1906, relating to the making, alteration, rescission, and enforcement of ordinances shall apply, *mutatis mutandis*, to this Act and to River Protection Boards as if they were councils.

DIVISION

139

DIVISION 6.—*Assessment of cost.*

8. The council of each municipality and of each shire within or partly within a district shall within one month after the constitution of the district furnish to the board a certified statement of the total unimproved capital value as at the date of constitution of the district of all the ratable land within the council's area which is within the district, and in January of each year thereafter shall furnish to the board the like information as to the said value. Valuations.

9. The board shall, once in each half year, prepare estimates of— Estimates.

- (i) the amount of the proposed expenditure;
- (ii) (a) the amount in hand available for such expenditure;
- (b) the amount of fines and other revenue likely to be so available;
- (c) the amount of Government subsidy likely to be so available;
- (d) the additional amount required to be raised by assessment on councils for such expenditure.

(2) The board shall then assess the additional amount required upon the councils of the municipalities and shires within or partly within the district in proportion to the unimproved capital value of that portion of the ratable land in each of them which is situated within the district. The estimates and assessment shall be entered in the minutes of the board. Assessment pro rata according to unimproved capital value.

(3) The board shall serve upon each council a copy of the estimates and of the assessment, together with a requisition upon the council for the amount assessed to be paid by it. A copy of such estimates and assessment shall be forwarded by the board to the Minister. Requisition for payment.

(4) Any council so assessed may make representations in writing to the board against the estimates and assessment if it consider that the estimates are excessive, or that there has been an error in calculating the assessment; and the board may in its discretion thereupon Amended assessments.

thereupon amend its estimates, and make a fresh assessment accordingly, or may correct errors of calculation of assessment, and make a fresh assessment to adjust the errors.

(5) The board may recover as a debt any sum so assessed and not paid within one month after service of requisition as aforesaid. If any fresh assessment, or correction, or adjustment of assessment be made, then amounts overpaid shall be refunded and amounts short paid may be recovered. Recovery.

(6) A council so assessed may pay the amount of the assessment from its general fund, or from the proceeds of a special or local rate for the purpose. Council may pay from general fund.

*DIVISION 7—Government subsidy.*

**10.** There shall be payable to the board six half-yearly subsidies from money to be voted by Parliament, as follows:— Subsidy.

- (a) For the first half-year, that is to say, for the period between the constitution of the district and the end of the half-year in which the constitution takes place, a subsidy at the rate of twenty shillings for every pound of revenue (excluding the subsidy) actually collected by the board during that period.
- (b) For the second half-year, a subsidy at the rate of twenty shillings, as aforesaid.
- (c) For the third and fourth half-years, respectively, a subsidy at the rate of fifteen shillings, as aforesaid.
- (d) For the fifth and sixth half-years, respectively, a subsidy at the rate of ten shillings, as aforesaid.

*DIVISION 8.—General.*

*Ancillary powers.*

**11.** The board may do all things not otherwise unlawful which are necessary or incidental to the carrying out of its duties or the exercise of its powers under this Act; but shall not overdraw upon any bank account May do all lawful acts. Borrowing powers.  
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141

nor borrow money in any way except that, in the years when a Government subsidy is payable, the board may borrow an amount not exceeding the amount of the subsidy, and shall in such case repay the borrowings on receipt of the subsidy. Any such borrowing may be secured upon the income of the board.

*Validation.*

**12.** (1) This Act shall be deemed to have come into force on the twenty-first day of June, one thousand nine hundred and fifteen. Richmond River Protection Board.

(2) The body known as the Richmond River Water Hyacinth Board shall be deemed to have been constituted as the Richmond River Protection Board in accordance with this Part, and the acts of the board and of any council done after the said date, so far as they are within the provisions of this Act, shall be deemed to have been done in pursuance of this Act as if this Act had been in force when they were so done.

(3) The Governor may, by proclamation as hereinbefore provided, constitute a district in respect of the said Richmond River Protection Board; and such district shall be deemed to have been constituted on and from the twenty-first day of June, one thousand nine hundred and fifteen.

(4) If before the commencement of this Act any council or the Treasurer has paid less or more to the funds of the Richmond River Protection Board than, according to the provisions of this Act, should have been paid, an adjustment shall be made according to the provisions of this Act, so that surpluses received by the Board shall be credited against future liabilities of the council or Treasurer as the case may be, and deficiencies may be recovered by the board as debts.

NOTE.—To consider the question of applying provisions (re legal proceedings, &c., &c., &c., in L.G. Act), to R. P. Boards.

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