

# NEW SOUTH WALES GRANT (NAMOI RIVER WEIRS) ACT 1976

No. 137 of 1976

An Act to grant Financial Assistance to New South Wales in connexion with the Construction of Weirs and certain Associated Works on the Namoi River near Wee Waa in that State.

BE IT ENACTED by the Queen, and the Senate and House of Representatives of the Commonwealth of Australia, as follows:—

1. This Act may be cited as the *New South Wales Grant (Namoi River Weirs) Act 1976*.<sup>1</sup> Short title.
2. This Act shall come into operation on the day on which it receives the Royal Assent.<sup>1</sup> Commencement.
3. In this Act, “the State” means New South Wales. Definition.
4. (1) Where, on or after 16 November 1972, moneys have been, or are, expended by the State in carrying out the works, and doing the other things, referred to in the Schedule, an amount equal to the amount of that expenditure is, subject to this Act, payable to the State by way of financial assistance. Grant of financial assistance.

(2) The amounts paid to the State under this Act during the financial year ending on 30 June 1977 shall not exceed, in the aggregate, \$1,000,000.

(3) The amounts paid to the State under this Act, including the amounts paid during the financial year ending on 30 June 1977, shall not exceed, in the aggregate, \$2,000,000.
5. Where the State so requests, the Minister may, from time to time, direct that this Act have effect in relation to the works referred to in the Schedule as if the description in that Schedule of those works were varied in such manner as is specified in the direction. Power of Minister to vary description of works.
6. The State is not entitled to a payment under sub-section 4 (1) in respect of any expenditure unless an undertaking has been given to the Commonwealth on behalf of the State that the State will carry out a specified program of research that has been approved by the Minister, being a program the carrying out of which will involve consultation between the State and the Commonwealth, concerning the environmental effects resulting from the use of chemicals in connexion with the production of crops under irrigation in the part of the State known as the Program of environmental research.

Namoi River Valley, that is to say, the part of the State adjacent to the Namoi River or any of its tributaries.

Provision relating to carrying out works.

7. The State is not entitled to financial assistance under this Act in relation to expenditure by the State in carrying out a particular work, whether the expenditure occurred before, or occurs after, the commencement of this Act—

- (a) if the Minister has requested the State to furnish information in relation to the design or construction of the work—unless the State has duly furnished that information;
- (b) unless the Minister is satisfied that the design and construction of the work are satisfactory; and
- (c) if the expenditure was incurred under a contract (being a contract entered into after the commencement of this Act) providing for the expenditure of more than \$500,000—unless the contract was entered into with the approval of the Minister.

Information to be furnished by State in relation to expenditure.

8. The State is not entitled to financial assistance under this Act in relation to particular expenditure by the State unless the State has furnished to the Treasurer—

- (a) a statement in respect of that expenditure, in accordance with a form approved by the Treasurer, accompanied by a certificate of the Auditor-General of the State certifying that, in his opinion, the amounts shown in the statement as having been expended were expended in carrying out works, or doing other things, referred to in the Schedule; and
- (b) such other information, if any, as the Treasurer requires in respect of that expenditure.

Advances.

9. The Treasurer may, at such times as he thinks fit, make advances of such amounts as he thinks fit to the State on account of an amount that may become payable under this Act to the State.

Over-payments.

10. Payment to the State under this Act of any amount (including an advance) is subject to the condition that the State will, upon demand by the Treasurer, repay the amount by which, at the time of the demand, the total of the amounts (including advances) paid to the State under this Act exceeds the total of the amounts that have become payable to the State under section 4.

Appropriation.

11. Amounts payable to the State under this Act are payable out of the Consolidated Revenue Fund, which is appropriated accordingly.

**SCHEDULE**

Section 4

**MATTERS IN RESPECT OF WHICH FINANCIAL ASSISTANCE IS GRANTED**

1. The construction, on the Namoi River near Wee Waa, of 3 weirs to be known as Mollee Weir, Gunidgera Weir and Weeta Weir, respectively, being weirs of sufficient height to store approximately 3,660 megalitres, 1,170 megalitres and 280 megalitres, respectively.
  2. The construction of auxiliary embankments in relation to the Mollee Weir water storage.
  3. The construction on Gunidgera Creek of a regulator capable of regulating the flow of water from the Gunidgera Weir, and the improvement of the channel of Gunidgera Creek by excavation of the bed and banks of the creek and the clearing of obstructions in the creek.
  4. The relocation of roads and other services that may be affected by the storage of water.
  5. Works incidental to any of the works referred to in the preceding clauses of this Schedule.
  6. The establishment of construction camps required in connexion with the carrying out of any of the works referred to in the preceding clauses of this Schedule and the provision of services necessary for those camps, including the construction of roads and the provision of power, water, sewerage and telecommunication facilities.
  7. The acquisition of land that is required for the carrying out of any of the works referred to in the preceding clauses of this Schedule or that may be affected by any of those works.
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**NOTE**

1. Act No. 137, 1976; assented to 2 December 1976.