

**REGIONAL ORGANISATION (REPEAL) ACT,
1979, No. 36**

New South Wales



ANNO VICESIMO OCTAVO

ELIZABETHÆ II REGINÆ

Act No. 36, 1979.

An Act to repeal the Regional Organisation Act, 1972, and certain other enactments and to make certain provisions consequent upon the repeal of those enactments. [Assented to, 27th April, 1979.]

Regional Organisation (Repeal).

BE it enacted by the Queen'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 :—

Short title. **1.** This Act may be cited as the "Regional Organisation (Repeal) Act, 1979".

Commence- **2.** (1) This section and section 1 shall commence on the date
ment. of assent to this Act.

(2) Except as provided in subsection (1), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Interpreta- **3.** In this Act, except in so far as the context or subject-matter
tion. otherwise indicates or requires—

“advisory council” means an advisory council which, immediately before the appointed day, was constituted under the Regional Organisation Act, 1972;

“appointed day” means the day appointed and notified under section 2 (2);

“Minister” means the corporation constituted by section 34H of the State Development and Country Industries Assistance Act, 1966.

Repeals. **4.** Each Act specified in Column 1 of Schedule 1 is, to the extent specified opposite that Act in Column 2 of Schedule 1, repealed.

Regional Organisation (Repeal).

5. (1) On and from the appointed day—
- (a) all real and personal property and all rights and interest therein and all management and control thereof that, immediately before that day, was vested in or belonged to an advisory council shall vest in or belong to the Minister;
- (b) all debts, moneys and claims, liquidated and unliquidated, that, immediately before that day, were due or payable to, or recoverable by, an advisory council shall be debts due and moneys payable to and claims recoverable by the Minister;
- (c) all suits, actions and proceedings pending immediately before that day at the suit of an advisory council shall be suits, actions and proceedings pending at the suit of the Minister and all suits, actions and proceedings so pending at the suit of any person against an advisory council shall be suits, actions and proceedings pending at the suit of that person against the Minister;
- (d) all contracts, agreements, arrangements and undertakings entered into with, and all securities lawfully given to or by, an advisory council and in force immediately before that day shall be deemed to be contracts, agreements, arrangements and undertakings entered into with, and securities given to or by, the Minister;
- (e) the Minister may, in addition to pursuing any other remedies or exercising any other powers that may be available to him, pursue the same remedies for the recovery of moneys and claims referred to in this subsection and for the prosecution of suits, actions and proceedings so referred to as an advisory council might have done but for the enactment of this Act;
- (f) the Minister may enforce and realise any security or charge existing immediately before that day in favour of an advisory council and may exercise any powers thereby conferred on an advisory council as if the security or charge were a security or charge in favour of the Minister;

Transfer
of certain
rights and
liabilities.

Regional Organisation (Repeal).

- (g) all debts, moneys and claims, liquidated and unliquidated, that, immediately before that day, were due or payable by, or recoverable against, an advisory council shall be debts due and moneys payable by and claims recoverable against the Minister; and
- (h) all liquidated and unliquidated claims for which an advisory council would, but for the enactment of this Act, have been liable shall be liquidated and unliquidated claims for which the Minister shall be liable.

(2) On and from the appointed day, a reference in any instrument to an advisory council shall be read and construed as if it were a reference to the Minister.

(3) Any act, matter or thing done or omitted to be done before the appointed day by, to or in respect of an advisory council shall, to the extent that but for the enactment of this Act that act, matter or thing would on or after that day have had any force or effect or been in operation, be deemed to have been done or omitted to be done by, to or in respect of the Minister.

(4) The Minister shall not apply money vested in or received by him under this section which would, but for the enactment of this Act, have been vested in or received by an advisory council in making payments in respect of liabilities accruing against him under this section in relation to any other advisory council.

Making and satisfaction of certain claims.

6. (1) A person, other than the Minister, who has given any real or personal property to an advisory council at any time within the period of 12 months before the appointed day, may, at any time within the period of 6 months after that day, make a claim, in writing, to the Minister for the return of the whole or any part of the property.

Regional Organisation (Repeal).

(2) The Minister shall consider each claim made under subsection (1) and may, on the expiration of the period of 6 months referred to in that subsection—

- (a) where the claim is in respect of money—pay the claim in whole or part; or
- (b) where the claim is in respect of property other than money—make restitution of the property in whole or part,

as the Minister shall, in his absolute discretion, determine.

(3) The payment of a claim under subsection (2) shall be made only out of money vested in or received by the Minister in relation to the advisory council in respect of which the claim is made.

(4) The payment of a claim or the restitution of property under subsection (2) shall be made to the claimant or such other person as the claimant may, in writing, direct.

(5) Any money held pursuant to, or received under, section 5 in relation to an advisory council after the payment of claims made in respect of the advisory council shall be paid into the Consolidated Revenue Fund.

Regional Organisation (Repeal).

Sec. 4.

SCHEDULE 1.

Column 1.	Column 2.	
Year and number of Act.	Short title of Act.	Extent of repeal.
1963, No. 59 ..	State Planning Authority Act, 1963.	Section 23 (1A).
1972, No. 38 ..	Regional Organisation Act, 1972.	The whole Act.
1972, No. 78 ..	Regional Organisation (Amendment) Act, 1972.	The whole Act.
1974, No. 43 ..	New South Wales Planning and Environment Commission Act, 1974.	So much of the Schedule as amended Act No. 38, 1972.

In the name and on behalf of Her Majesty I assent to this Act.

A. R. CUTLER,
Governor.

*Government House,
Sydney, 27th April, 1979.*



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REGIONAL ORGANISATION (REPEAL) BILL, 1979

EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The objects of this Bill are to repeal the Regional Organisation Act, 1972, and to make certain provisions as a consequence of the repeal of that Act.

REGIONAL ORGANISATION (REPEAL) BILL, 1979

No. , 1979.

A BILL FOR

An Act to repeal the Regional Organisation Act, 1972, and certain other enactments and to make certain provisions consequent upon the repeal of those enactments.

[MR DAY—21 *March*, 1979.]

Regional Organisation (Repeal).

BE it enacted by the Queen'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 :—

5 1. This Act may be cited as the “Regional Organisation Short title. (Repeal) Act, 1979”.

2. (1) This section and section 1 shall commence on the date Commence- of assent to this Act. ment.

(2) Except as provided in subsection (1), this Act shall
10 commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

3. In this Act, except in so far as the context or subject-matter Interpretation. otherwise indicates or requires—

15 “advisory council” means an advisory council which, immediately before the appointed day, was constituted under the Regional Organisation Act, 1972;

“appointed day” means the day appointed and notified under section 2 (2);

20 “Minister” means the corporation constituted by section 34H of the State Development and Country Industries Assistance Act, 1966.

4. Each Act specified in Column 1 of Schedule 1 is, to the Repeals. extent specified opposite that Act in Column 2 of Schedule 1,
25 repealed.

Regional Organisation (Repeal).

5. (1) On and from the appointed day—
- (a) all real and personal property and all rights and interest therein and all management and control thereof that, immediately before that day, was vested in or belonged to an advisory council shall vest in or belong to the Minister;
- (b) all debts, moneys and claims, liquidated and unliquidated, that, immediately before that day, were due or payable to, or recoverable by, an advisory council shall be debts due and moneys payable to and claims recoverable by the Minister;
- (c) all suits, actions and proceedings pending immediately before that day at the suit of an advisory council shall be suits, actions and proceedings pending at the suit of the Minister and all suits, actions and proceedings so pending at the suit of any person against an advisory council shall be suits, actions and proceedings pending at the suit of that person against the Minister;
- (d) all contracts, agreements, arrangements and undertakings entered into with, and all securities lawfully given to or by, an advisory council and in force immediately before that day shall be deemed to be contracts, agreements, arrangements and undertakings entered into with, and securities given to or by, the Minister;
- (e) the Minister may, in addition to pursuing any other remedies or exercising any other powers that may be available to him, pursue the same remedies for the recovery of moneys and claims referred to in this subsection and for the prosecution of suits, actions and proceedings so referred to as an advisory council might have done but for the enactment of this Act;
- (f) the Minister may enforce and realise any security or charge existing immediately before that day in favour of an advisory council and may exercise any powers thereby conferred on an advisory council as if the security or charge were a security or charge in favour of the Minister;

Transfer
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- 5 (g) all debts, moneys and claims, liquidated and unliquidated, that, immediately before that day, were due or payable by, or recoverable against, an advisory council shall be debts due and moneys payable by and claims recoverable against the Minister; and
- (h) all liquidated and unliquidated claims for which an advisory council would, but for the enactment of this Act, have been liable shall be liquidated and unliquidated claims for which the Minister shall be liable.
- 10 (2) On and from the appointed day, a reference in any instrument to an advisory council shall be read and construed as if it were a reference to the Minister.
- (3) Any act, matter or thing done or omitted to be done before the appointed day by, to or in respect of an advisory council
15 shall, to the extent that but for the enactment of this Act that act, matter or thing would on or after that day have had any force or effect or been in operation, be deemed to have been done or omitted to be done by, to or in respect of the Minister.
- (4) The Minister shall not apply money vested in or
20 received by him under this section which would, but for the enactment of this Act, have been vested in or received by an advisory council in making payments in respect of liabilities accruing against him under this section in relation to any other advisory council.
- 25 6. (1) A person, other than the Minister, who has given any real or personal property to an advisory council at any time within the period of 12 months before the appointed day, may, at any time within the period of 6 months after that day, make a claim, in writing, to the Minister for the return of the whole or any part of
30 the property.
- Making and satisfaction of certain claims.

Regional Organisation (Repeal).

(2) The Minister shall consider each claim made under subsection (1) and may, on the expiration of the period of 6 months referred to in that subsection—

- 5 (a) where the claim is in respect of money—pay the claim in whole or part; or
- (b) where the claim is in respect of property other than money—make restitution of the property in whole or part,

as the Minister shall, in his absolute discretion, determine.

10 (3) The payment of a claim under subsection (2) shall be made only out of money vested in or received by the Minister in relation to the advisory council in respect of which the claim is made.

15 (4) The payment of a claim or the restitution of property under subsection (2) shall be made to the claimant or such other person as the claimant may, in writing, direct.

20 (5) Any money held pursuant to, or received under, section 5 in relation to an advisory council after the payment of claims made in respect of the advisory council shall be paid into the Consolidated Revenue Fund.

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SCHEDULE 1.

Sec. 4.

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BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1979

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