

CONCURRENCE COPY

JUNEE WATER SUPPLY ADMINISTRATION (REPEAL) BILL, 1982

EXPLANATORY NOTE

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

The following Bills are cognate with this Bill:—

- South-west Tablelands Water Supply Administration (Amendment) Bill, 1982;
- Fish River Water Supply Administration (Amendment) Bill, 1982.

The objects of this Bill are to repeal the Junee Water Supply Administration Act, 1915 ("the Act"), and to make certain provisions as a consequence of the repeal of that Act.

The Bill contains the following provisions:—

Clause 1. Short title.

Clause 2. Interpretation.

Clause 3 and Schedule 1 provide for the repeal of certain enactments.

Clause 4 provides for the transfer of the management and control of—

- (a) the works referred to in sections 4 and 5 of the Act (other than the gravitation main from the storage dam at Bethungra to the service reservoir at Junee)—from the Administrator of the Junee Water Supply to the Administrator of the South-west Tablelands Water Supply;
- (b) the gravitation main from the storage dam at Bethungra to the service reservoir at Junee—from the Administrator of the Junee Water Supply to the Northern Riverina County Council;
- (c) the reticulation works referred to in section 6 of the Act—from the Junee Shire Council to the Northern Riverina County Council; and
- (d) the service main referred to in section 6 of the Act—from the Junee Shire Council to the Administrator of the South-west Tablelands Water Supply.

Clause 5 provides for the transfer of certain rights and liabilities consequent upon the transfer of the management and control of the works referred to in clause 4.

Clause 6 provides for the transfer of the funds administered by the Administrator of the Junee Water Supply.

Clause 7 provides that certain references be construed as prescribed by that clause.

Clause 8 provides for the validation of certain acts that have been done since 1st January, 1976, in anticipation of the enactment of the proposed Act.



**JUNEE WATER SUPPLY ADMINISTRATION (REPEAL)
BILL, 1982**

No. , 1982.

A BILL FOR

An Act to repeal the Junee Water Supply Administration Act, 1915, and certain other enactments and to make certain provisions consequent upon the repeal of those enactments.

[MR WALKER *on behalf of* MR FERGUSON—9 November, 1982.]

See also South-west Tablelands Water Supply Administration (Amendment) Bill, 1982; Fish River Water Supply Administration (Amendment) Bill, 1982.

Junee Water Supply Administration (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 **Short title.**

1. This Act may be cited as the "Junee Water Supply Administration (Repeal) Act, 1982".

Principal Act.

2. The Junee Water Supply Administration Act, 1915, is referred to in 10 this Act as the Principal Act.

Repeals.

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

Transfer of control and management of certain works.

15 4. On and from the commencement of this Act—

(a) the management and control of the works referred to in sections 4 and 5 of the Principal Act (other than the gravitation main from the storage dam at Bethungra to the service reservoir at Junee) are vested in the Administrator of the South-west Tablelands Water Supply;

20 (b) the management and control of the gravitation main from the storage dam at Bethungra to the service reservoir at Junee are vested in the Northern Riverina County Council;

25 (c) the management and control of the works referred to in section 6 of the Principal Act (other than so much of the service main constructed under the Junee Water Supply Act, 1893, as is within

Junee Water Supply Administration (Repeal).

the boundaries of the municipality of Junee as those boundaries existed at the commencement of the Principal Act) are vested in the Northern Riverina County Council; and

- 5 (d) the management and control of so much of the service main constructed under the Junee Water Supply Act, 1893, as is within the boundaries of the municipality of Junee as those boundaries existed at the commencement of the Principal Act are vested in the Administrator of the South-west Tablelands Water Supply.

Transfer of certain rights and liabilities.

10 **5. (1)** In this section—

“prescribed transferee” means—

- 15 (a) in relation to prescribed works consisting of the works referred to in section 4 or 5 of the Principal Act (other than the gravitation main from the storage dam at Bethungra to the service reservoir at Junee)—the Administrator of the South-west Tablelands Water Supply;
- (b) in relation to prescribed works consisting of the gravitation main from the storage dam at Bethungra to the service reservoir at Junee—the Northern Riverina County Council;
- 20 (c) in relation to prescribed works consisting of the works referred to in section 6 of the Principal Act (other than so much of the service main constructed under the Junee Water Supply Act, 1893, as is within the boundaries of the municipality of Junee as those boundaries existed at the date of commencement of the Principal Act)—the Northern Riverina County Council; and
- 25 (d) in relation to prescribed works consisting of so much of the service main constructed under the Junee Water Supply Act, 1893, as is within the boundaries of the municipality of Junee as those boundaries existed at the date of commencement of the Principal Act—the Administrator of the South-west Tablelands Water Supply;
- 30

Junee Water Supply Administration (Repeal).

“prescribed transferor” means—

- (a) in relation to prescribed works consisting of the works referred to in section 4 or 5 of the Principal Act—the Administrator of the Junee Water Supply; and
- 5 (b) in relation to prescribed works consisting of the works referred to in section 6 of the Principal Act—the Junee Shire Council;

“prescribed works” means the works referred to in sections 4, 5 and 6 of the Principal Act.

10 (2) On and from the commencement of this Act—

- (a) all real and personal property and all rights and interest therein and all management and control thereof that, immediately before that commencement, was vested in or belonged to the prescribed transferor, and was held in connection with the prescribed works, shall vest in or belong to the prescribed transferee;
- 15
- (b) all debts, money and claims, liquidated and unliquidated, in connection with the prescribed works that, immediately before that commencement, were due or payable to, or recoverable by, the prescribed transferor shall be debts due and money payable to and claims recoverable by the prescribed transferee;
- 20
- (c) all suits, actions and proceedings in connection with the prescribed works pending immediately before that commencement at the suit of the prescribed transferor shall be suits, actions and proceedings pending at the suit of the prescribed transferee and all such suits, actions and proceedings so pending at the suit of any person against the prescribed transferor shall be suits, actions and proceedings pending at the suit of that person against the prescribed transferee;
- 25
- (d) all contracts, agreements, arrangements and undertakings in connection with the prescribed works entered into with, and all securities in connection with the prescribed works lawfully given to or by, the prescribed transferor and in force immediately before that commencement shall be deemed to be contracts, agreements, arrangements and undertakings entered into with, and securities given to or by, the prescribed transferee;
- 30

Junee Water Supply Administration (Repeal).

- 5 (e) the prescribed transferee 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 money and claims in connection with the prescribed works and for the prosecution of suits, actions and proceedings in connection with the prescribed works as the prescribed transferor might have done but for the enactment of this Act;
- 10 (f) the prescribed transferee may enforce and realise any security or charge in connection with the prescribed works existing immediately before that commencement in favour of the prescribed transferor and may exercise any powers thereby conferred on the prescribed transferor as if the security or charge were a security or charge in favour of the prescribed transferee;
- 15 (g) all debts, money and claims, liquidated and unliquidated, in connection with the prescribed works that, immediately before that commencement, were due or payable by, or recoverable against, the prescribed transferor shall be debts due and money payable by and claims recoverable against the prescribed transferee; and
- 20 (h) all liquidated and unliquidated claims in connection with the prescribed works for which the prescribed transferor would, but for the enactment of this Act, have been liable shall be liquidated and unliquidated claims for which the prescribed transferee shall be liable.

25 (3) Any act, matter or thing done or omitted to be done in connection with the prescribed works before the commencement of this Act by, to or in respect of the prescribed transferor shall, to the extent that but for the enactment of this Act that act, matter or thing would on or after that commencement 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 prescribed
30 transferee.

Transfer of certain funds.

6. (1) The balances (as at the commencement of this Act) of the Junee Water Supply Working Account kept under section 13 of the Principal Act and the Bethungra Water Supply Account kept under section 17 of that Act

Junee Water Supply Administration (Repeal).

shall be paid into the South-west Tablelands Water Supply Working Account kept under section 12 of the South-west Tablelands Water Supply Administration Act, 1941.

- 5 (2) The balance (as at the commencement of this Act) of the Junee Water Supply Renewal Reserve Account kept under section 13A of the Principal Act shall be paid into the South-west Tablelands Water Supply Renewal Reserve Account kept under section 13 of the South-west Tablelands Water Supply Administration Act, 1941.

References in other Acts.

10 7. A reference, however expressed, in any other Act or in any regulation, by-law or other statutory instrument or in any other document, whether of the same or of a different kind, to—

- 15 (a) the Administrator of the Junee Water Supply—shall be construed as a reference to the Administrator of the South-west Tablelands Water Supply;
- (b) the Junee Water Supply Working Account kept under the Principal Act or the Bethungra Water Supply Account kept under that Act—shall be construed as a reference to the South-west Tablelands Water Supply Working Account kept under the South-west Tablelands Water Supply Administration Act, 1941; and
- 20 (c) the Junee Water Supply Renewal Reserve Account kept under the Principal Act—shall be construed as a reference to the South-west Tablelands Water Supply Renewal Reserve Account kept under the South-west Tablelands Water Supply Administration Act, 1941.

25 Validation.

8. Any act, matter or thing done, or omitted to be done, by the Administrator of the South-west Tablelands Water Supply or the Northern Riverina County Council, being an act, matter or thing which—

- (a) was so done, or omitted to be done, on or after 1st January, 1976; and
- 30 and

June Water Supply Administration (Repeal).

(b) but for this section, could not lawfully have been so done, or omitted to be done,

is validated to the extent that it could lawfully have been so done, or omitted to be done, had this Act been in force when it was so done, or omitted to be done.

SCHEDULE 1.

(Sec. 3.)

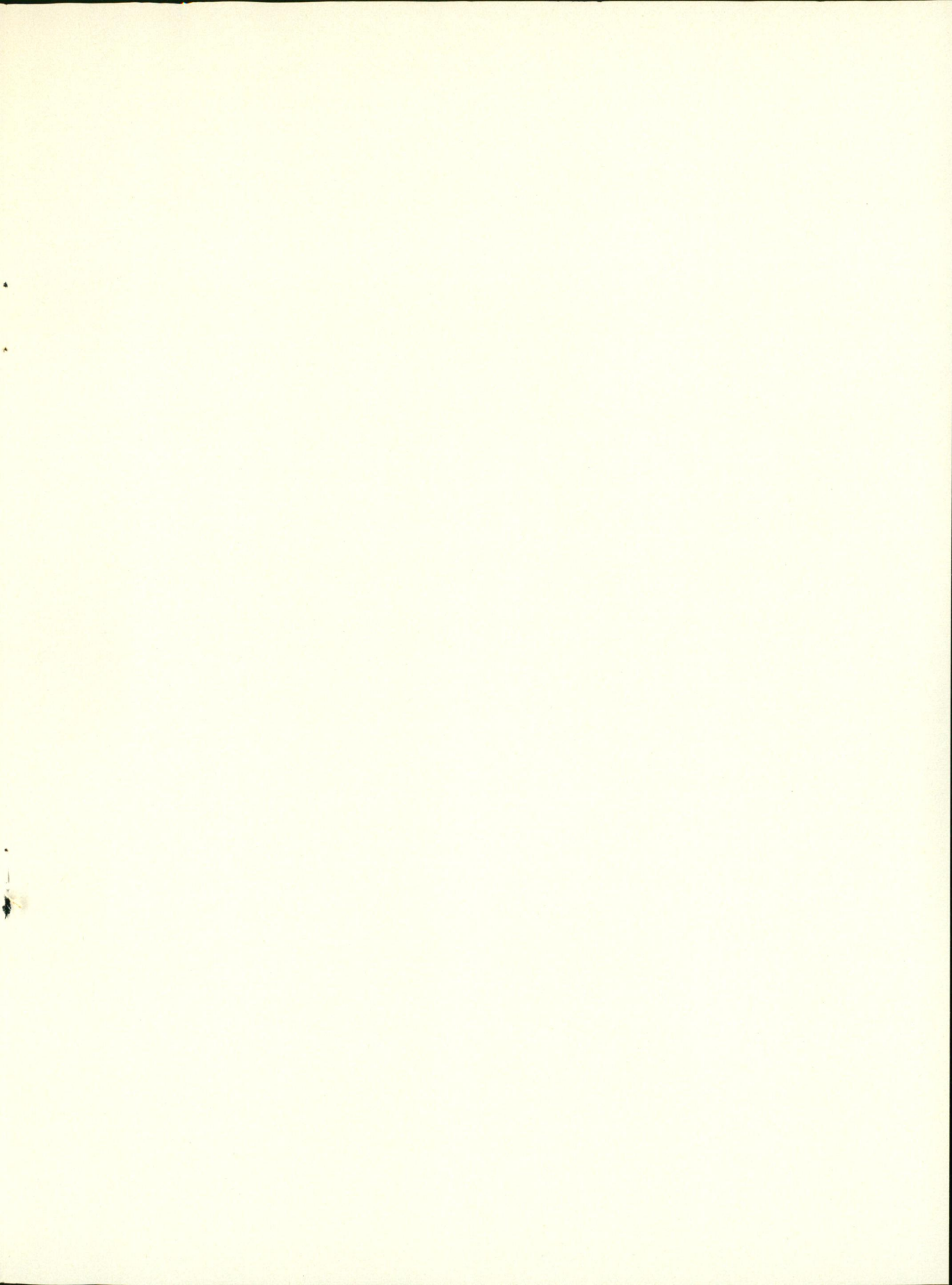
REPEALS.

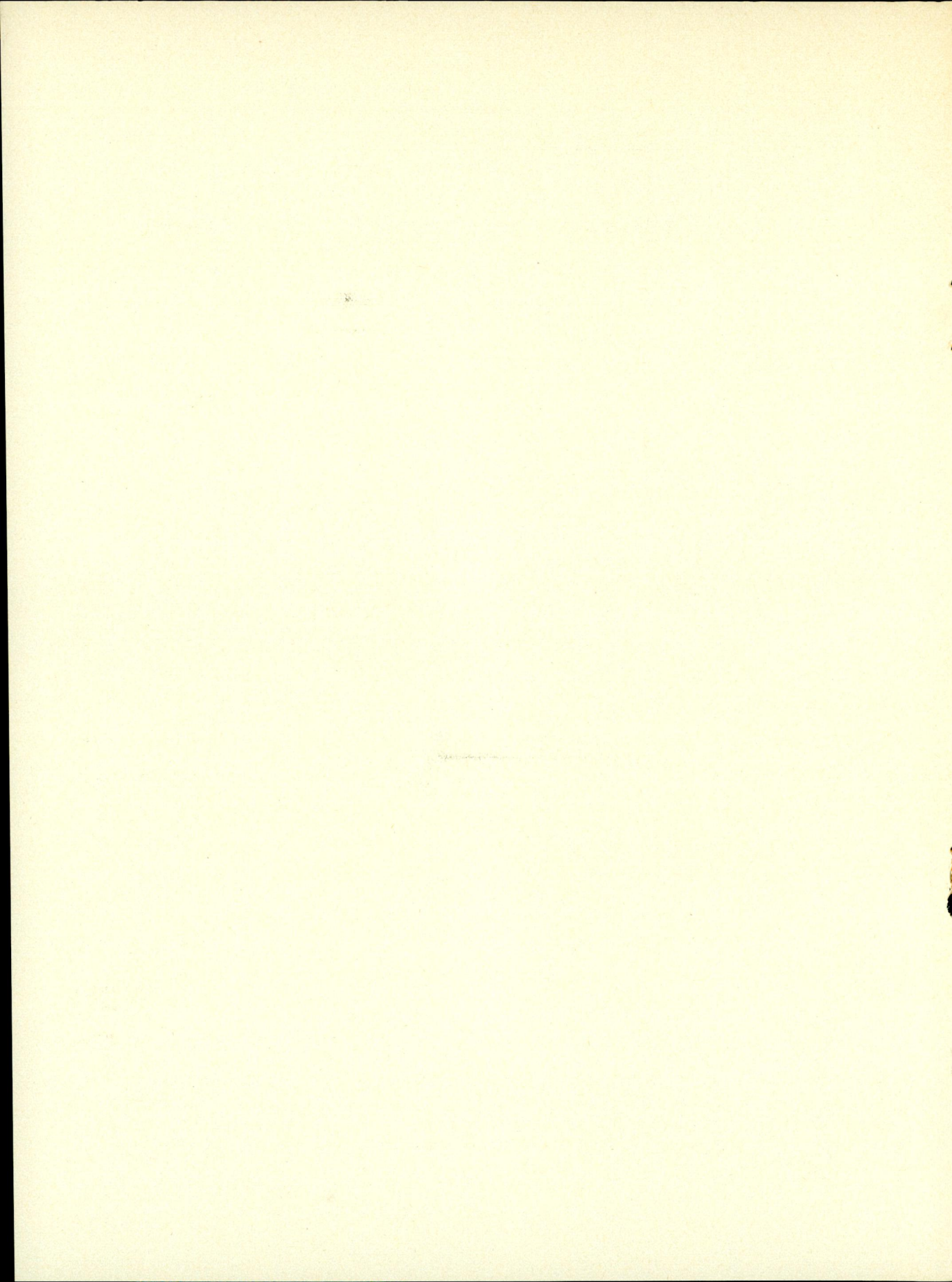
Column 1.	Column 2.	
10 Year and number of Act.	Short title of Act.	Extent of repeal.
1915, No. 59 ..	June Water Supply Administration Act, 1915 ..	The whole Act.
1927, No. 37 ..	June Water Supply Administration (Amendment) Act, 1927.	The whole Act.
15 1934, No. 58 ..	Country Towns Water Supply, Sewerage and Drainage (Reduction of Debts) Act, 1934.	Sections 4 and 5.
1937, No. 35 ..	Statute Law Revision Act, 1937	So much of the Second Schedule as relates to Act No. 59, 1915, and Act No. 37, 1927.
20 1941, No. 35 ..	June Water Supply Administration (Amendment) Act, 1941.	The whole Act.
25 1960, No. 24 ..	Country Water Supplies Administration and State Brickworks (Amendment) Act, 1960.	Sections 1 (3) and 3.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1982

(40c)





**JUNEE WATER SUPPLY ADMINISTRATION (REPEAL)
ACT, 1982, No. 139**

New South Wales



ANNO TRICESIMO PRIMO

ELIZABETHÆ II REGINÆ

Act No. 139, 1982.

An Act to repeal the Junee Water Supply Administration Act, 1915, and certain other enactments and to make certain provisions consequent upon the repeal of those enactments. [Assented to 16th December, 1982.]

See also South-west Tablelands Water Supply Administration (Amendment) Act, 1982; Fish River Water Supply Administration (Amendment) Act, 1982.

Junee Water Supply Administration (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 "Junee Water Supply Administration (Repeal) Act, 1982".

Principal Act.

2. The Junee Water Supply Administration Act, 1915, is referred to in this Act as the Principal Act.

Repeals.

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

Transfer of control and management of certain works.

4. On and from the commencement of this Act—

- (a) the management and control of the works referred to in sections 4 and 5 of the Principal Act (other than the gravitation main from the storage dam at Bethungra to the service reservoir at Junee) are vested in the Administrator of the South-west Tablelands Water Supply;
- (b) the management and control of the gravitation main from the storage dam at Bethungra to the service reservoir at Junee are vested in the Northern Riverina County Council;
- (c) the management and control of the works referred to in section 6 of the Principal Act (other than so much of the service main constructed under the Junee Water Supply Act, 1893, as is within

Junee Water Supply Administration (Repeal).

the boundaries of the municipality of Junee as those boundaries existed at the commencement of the Principal Act) are vested in the Northern Riverina County Council; and

- (d) the management and control of so much of the service main constructed under the Junee Water Supply Act, 1893, as is within the boundaries of the municipality of Junee as those boundaries existed at the commencement of the Principal Act are vested in the Administrator of the South-west Tablelands Water Supply.

Transfer of certain rights and liabilities.

5. (1) In this section—

“prescribed transferee” means—

- (a) in relation to prescribed works consisting of the works referred to in section 4 or 5 of the Principal Act (other than the gravitation main from the storage dam at Bethungra to the service reservoir at Junee)—the Administrator of the South-west Tablelands Water Supply;
- (b) in relation to prescribed works consisting of the gravitation main from the storage dam at Bethungra to the service reservoir at Junee—the Northern Riverina County Council;
- (c) in relation to prescribed works consisting of the works referred to in section 6 of the Principal Act (other than so much of the service main constructed under the Junee Water Supply Act, 1893, as is within the boundaries of the municipality of Junee as those boundaries existed at the date of commencement of the Principal Act)—the Northern Riverina County Council; and
- (d) in relation to prescribed works consisting of so much of the service main constructed under the Junee Water Supply Act, 1893, as is within the boundaries of the municipality of Junee as those boundaries existed at the date of commencement of the Principal Act—the Administrator of the South-west Tablelands Water Supply;

June Water Supply Administration (Repeal).

“prescribed transferor” means—

- (a) in relation to prescribed works consisting of the works referred to in section 4 or 5 of the Principal Act—the Administrator of the June Water Supply; and
- (b) in relation to prescribed works consisting of the works referred to in section 6 of the Principal Act—the June Shire Council;

“prescribed works” means the works referred to in sections 4, 5 and 6 of the Principal Act.

(2) On and from the commencement of this Act—

- (a) all real and personal property and all rights and interest therein and all management and control thereof that, immediately before that commencement, was vested in or belonged to the prescribed transferor, and was held in connection with the prescribed works, shall vest in or belong to the prescribed transferee;
- (b) all debts, money and claims, liquidated and unliquidated, in connection with the prescribed works that, immediately before that commencement, were due or payable to, or recoverable by, the prescribed transferor shall be debts due and money payable to and claims recoverable by the prescribed transferee;
- (c) all suits, actions and proceedings in connection with the prescribed works pending immediately before that commencement at the suit of the prescribed transferor shall be suits, actions and proceedings pending at the suit of the prescribed transferee and all such suits, actions and proceedings so pending at the suit of any person against the prescribed transferor shall be suits, actions and proceedings pending at the suit of that person against the prescribed transferee;
- (d) all contracts, agreements, arrangements and undertakings in connection with the prescribed works entered into with, and all securities in connection with the prescribed works lawfully given to or by, the prescribed transferor and in force immediately before that commencement shall be deemed to be contracts, agreements, arrangements and undertakings entered into with, and securities given to or by, the prescribed transferee;

Junee Water Supply Administration (Repeal).

- (e) the prescribed transferee 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 money and claims in connection with the prescribed works and for the prosecution of suits, actions and proceedings in connection with the prescribed works as the prescribed transferor might have done but for the enactment of this Act;
- (f) the prescribed transferee may enforce and realise any security or charge in connection with the prescribed works existing immediately before that commencement in favour of the prescribed transferor and may exercise any powers thereby conferred on the prescribed transferor as if the security or charge were a security or charge in favour of the prescribed transferee;
- (g) all debts, money and claims, liquidated and unliquidated, in connection with the prescribed works that, immediately before that commencement, were due or payable by, or recoverable against, the prescribed transferor shall be debts due and money payable by and claims recoverable against the prescribed transferee; and
- (h) all liquidated and unliquidated claims in connection with the prescribed works for which the prescribed transferor would, but for the enactment of this Act, have been liable shall be liquidated and unliquidated claims for which the prescribed transferee shall be liable.

(3) Any act, matter or thing done or omitted to be done in connection with the prescribed works before the commencement of this Act by, to or in respect of the prescribed transferor shall, to the extent that but for the enactment of this Act that act, matter or thing would on or after that commencement 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 prescribed transferee.

Transfer of certain funds.

6. (1) The balances (as at the commencement of this Act) of the Junee Water Supply Working Account kept under section 13 of the Principal Act and the Bethungra Water Supply Account kept under section 17 of that Act

Junee Water Supply Administration (Repeal).

shall be paid into the South-west Tablelands Water Supply Working Account kept under section 12 of the South-west Tablelands Water Supply Administration Act, 1941.

(2) The balance (as at the commencement of this Act) of the Junee Water Supply Renewal Reserve Account kept under section 13A of the Principal Act shall be paid into the South-west Tablelands Water Supply Renewal Reserve Account kept under section 13 of the South-west Tablelands Water Supply Administration Act, 1941.

References in other Acts.

7. A reference, however expressed, in any other Act or in any regulation, by-law or other statutory instrument or in any other document, whether of the same or of a different kind, to—

- (a) the Administrator of the Junee Water Supply—shall be construed as a reference to the Administrator of the South-west Tablelands Water Supply;
- (b) the Junee Water Supply Working Account kept under the Principal Act or the Bethungra Water Supply Account kept under that Act—shall be construed as a reference to the South-west Tablelands Water Supply Working Account kept under the South-west Tablelands Water Supply Administration Act, 1941; and
- (c) the Junee Water Supply Renewal Reserve Account kept under the Principal Act—shall be construed as a reference to the South-west Tablelands Water Supply Renewal Reserve Account kept under the South-west Tablelands Water Supply Administration Act, 1941.

Validation.

8. Any act, matter or thing done, or omitted to be done, by the Administrator of the South-west Tablelands Water Supply or the Northern Riverina County Council, being an act, matter or thing which—

- (a) was so done, or omitted to be done, on or after 1st January, 1976;
and

June Water Supply Administration (Repeal).

(b) but for this section, could not lawfully have been so done, or omitted to be done,

is validated to the extent that it could lawfully have been so done, or omitted to be done, had this Act been in force when it was so done, or omitted to be done.

SCHEDULE 1.

(Sec. 3.)

REPEALS.

Column 1.	Column 2.	
Year and number of Act.	Short title of Act.	Extent of repeal.
1915, No. 59 ..	June Water Supply Administration Act, 1915 ..	The whole Act.
1927, No. 37 ..	June Water Supply Administration (Amendment) Act, 1927.	The whole Act.
1934, No. 58 ..	Country Towns Water Supply, Sewerage and Drainage (Reduction of Debts) Act, 1934.	Sections 4 and 5.
1937, No. 35 ..	Statute Law Revision Act, 1937	So much of the Second Schedule as relates to Act No. 59, 1915, and Act No. 37, 1927.
1941, No. 35 ..	June Water Supply Administration (Amendment) Act, 1941.	The whole Act.
1960, No. 24 ..	Country Water Supplies Administration and State Brickworks (Amendment) Act, 1960.	Sections 1 (3) and 3.

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

L. W. STREET,
By Deputation from
His Excellency the Governor.

Government House,
Sydney, 16th December, 1982.

