

FIRST PRINT

**BROKEN HILL WATER AND SEWERAGE (AMENDMENT)  
BILL 1986**

NEW SOUTH WALES



**EXPLANATORY NOTE**

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

This Bill is cognate with the Water Administration Bill 1986.

The object of this Bill is to amend the Broken Hill Water and Sewerage Act 1938 as a consequence of the enactment of the proposed Water Administration Act 1986 which constitutes the Water Administration Ministerial Corporation ("the Ministerial Corporation").

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Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the proposed Act, with minor exceptions, to commence at the same time as the proposed Water Administration Act 1986.

Clause 3 is a formal provision giving effect to the amendments specified in Schedule 1.

Clause 4, subject to certain exceptions, provides for the transition to the Ministerial Corporation of responsibility for past actions of the Minister for Public Works under the Broken Hill Water and Sewerage Act 1938 that still had effect immediately before the commencement of the proposed Act.

Schedule 1, except in relation to works commenced, but not completed, before the commencement of the proposed Act (Schedule 1 (8)), amends the Broken Hill Water and Sewerage Act 1938 in a manner consequential upon the assumption of the functions of the Minister for Public Works under that Act by the Ministerial Corporation.

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# **BROKEN HILL WATER AND SEWERAGE (AMENDMENT) BILL 1986**

NEW SOUTH WALES



## **TABLE OF PROVISIONS**

1. Short title
2. Commencement
3. Amendment of Act No. 20, 1938
4. Saving

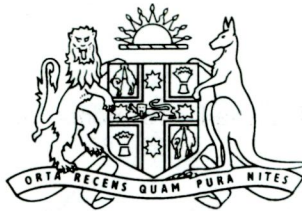
**SCHEDULE 1—AMENDMENTS TO THE BROKEN HILL WATER AND  
SEWERAGE ACT 1938**

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**BROKEN HILL WATER AND SEWERAGE (AMENDMENT)  
BILL 1986**

NEW SOUTH WALES



No. , 1986

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**A BILL FOR**

An Act to amend the Broken Hill Water and Sewerage Act 1938 as a consequence of the enactment of the Water Administration Act 1986 and for other purposes.

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*Broken Hill Water and Sewerage (Amendment) 1986*

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**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 "Broken Hill Water and Sewerage (Amendment) Act 1986".

**Commencement**

2. (1) Sections 1 and 2 shall commence on the date of assent to this  
10 Act.

(2) Except as provided by subsection (1), this Act shall commence on the commencement of the Water Administration Act 1986.

**Amendment of Act No. 20, 1938**

3. The Broken Hill Water and Sewerage Act 1938 is amended in the  
15 manner set forth in Schedule 1.

**Saving**

4. If anything that, before the commencement of this Act, was done under the Broken Hill Water and Sewerage Act 1938 by the Minister administering that Act or the Minister for Public Works—

- 20 (a) still had effect immediately before that commencement;
- (b) could have been done by the Water Administration Ministerial Corporation if this Act and the Water Administration Act 1986 had been in force when it was done; and
- 25 (c) is not a continued responsibility of the Minister for Public Works as provided by section 57 (4) of that Act, as amended by this Act,

it has effect on and after that commencement as if it had been done by the Water Administration Ministerial Corporation.

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## SCHEDULE 1

(Sec. 3)

AMENDMENTS TO THE BROKEN HILL WATER AND SEWERAGE  
ACT 1938

- 5 (1) Section 2 (**Arrangement**)—  
Omit the section.
- (2) Section 3 (**Interpretation**)—  
Definition of “Ministerial Corporation”—  
After the definition of “Member”, insert:
- 10 “Ministerial Corporation” means the Water Administration  
Ministerial Corporation constituted by the Water  
Administration Act 1986.
- (3) Sections 8, 33 (3), 47, 87A, 94, 111 (1), 114, 118 (a), 140—  
Omit “Minister” wherever occurring, insert instead “Ministerial  
15 Corporation”.
- (4) Section 15 (**Preliminary powers and functions**)—  
Omit the section.
- (5) Section 47 (**Catchment areas**)—  
(a) Section 47 (4) (e)—  
20 Omit “1902; or”, insert instead “1902.”.
- (b) Section 47 (4) (f)—  
Omit the paragraph.
- (6) Part V, Division 6, heading—  
Omit “*of Minister for Public Works*”.
- 25 (7) Section 56 (**Carrying out of works**)—  
(a) Section 56 (1)—  
Omit “Minister for Public Works” wherever occurring, insert  
instead “Ministerial Corporation”.



*Broken Hill Water and Sewerage (Amendment) 1986*

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SCHEDULE 1—*continued*

AMENDMENTS TO THE BROKEN HILL WATER AND SEWERAGE  
ACT 1938—*continued*

(b) Section 56 (1)—

Omit “said Minister” wherever occurring, insert instead “Ministerial Corporation”.

(c) Section 56 (2), (3)—

5 Omit “Minister for Public Works” wherever occurring, insert instead “Ministerial Corporation”.

(8) Section 57 (**Construction of works in Second Schedule**)—

(a) Section 57 (1), (3)—

10 Omit “Minister for Public Works” wherever occurring, insert instead “Ministerial Corporation”.

(b) Section 57 (4)—

After section 57 (3), insert:

15 (4) In relation to works described in the Second Schedule that were commenced before the commencement of the Broken Hill Water and Sewerage (Amendment) Act 1986, this section, section 56 (2), section 58 and the Second Schedule, as in force immediately before the commencement of that Act, continue in force after that commencement as if that Act had not been enacted.

20 (9) Section 58 (**Completion of works**)—

Omit “Minister for Public Works” wherever occurring, insert instead “Ministerial Corporation”.

(10) Section 87A (**Reduction of rates payable by certain classes of pensioners**)—

25 Section 87A (8), (9), (11)—

Omit “he” wherever occurring, insert instead “the Ministerial Corporation”.



*Broken Hill Water and Sewerage (Amendment) 1986*

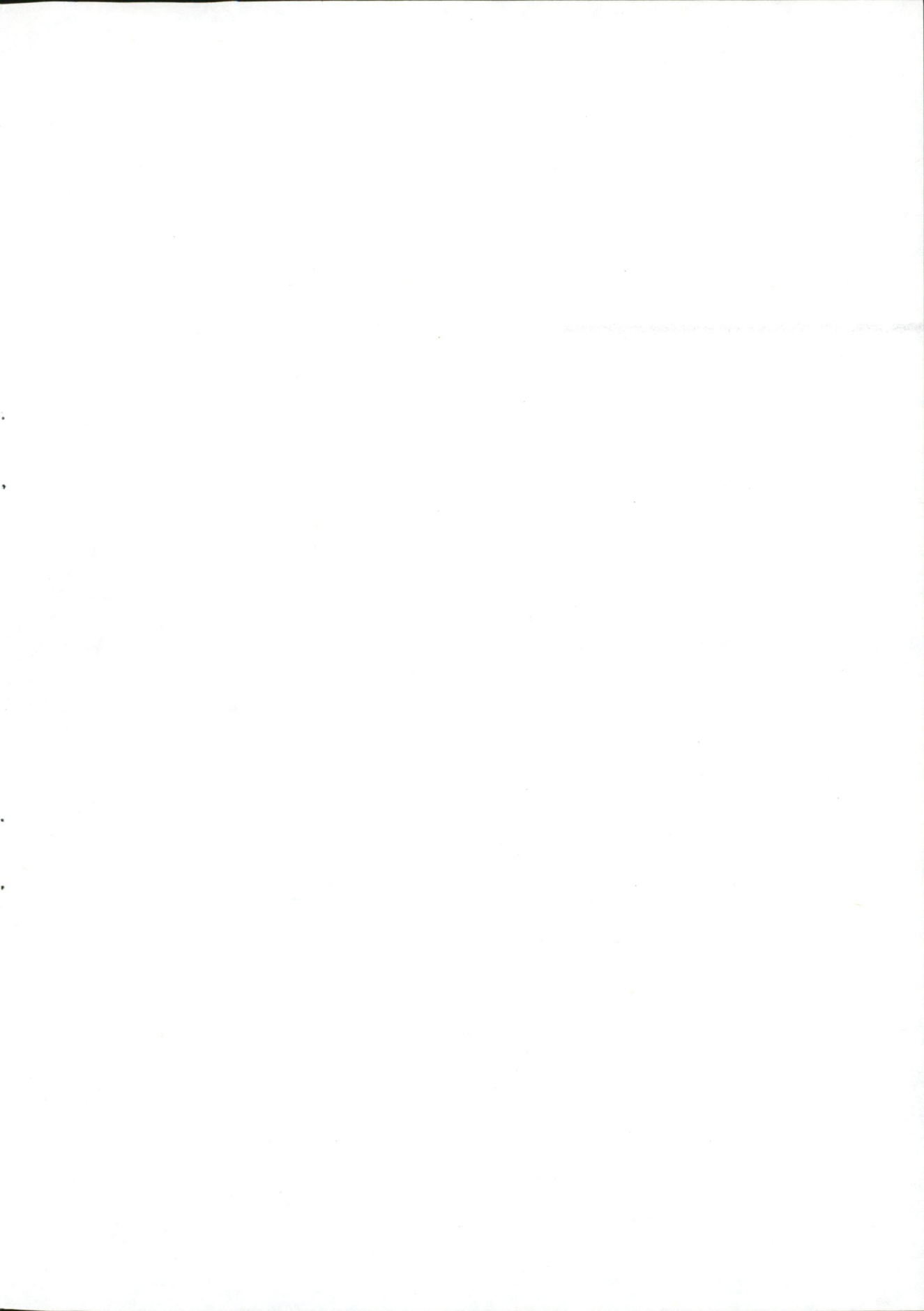
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SCHEDULE 1—*continued*

AMENDMENTS TO THE BROKEN HILL WATER AND SEWERAGE  
ACT 1938—*continued*

- (11) Section 113 (**Divesting**)—  
Omit “Minister and shall be held by him under and subject to the provisions of the Public Works Act, 1912, as amended by subsequent Acts”, insert instead “Ministerial Corporation”.
- 5 (12) Section 136 (**Penalty for obstructing construction of works**)—  
Omit “Minister for Public Works”, insert instead “Ministerial Corporation”.
- (13) Section 140 (**Settlement of disputes between the board and other public authorities**)—
- 10 Section 140 (2)—  
Omit “him”, insert instead “the Ministerial Corporation”.
- (14) Second Schedule—  
Omit “Minister for Public Works” wherever occurring, insert instead “Ministerial Corporation”.







**BROKEN HILL WATER AND SEWERAGE (AMENDMENT)  
ACT 1986 No. 200**

NEW SOUTH WALES



**TABLE OF PROVISIONS**

1. Short title
2. Commencement
3. Amendment of Act No. 20, 1938
4. Saving

**SCHEDULE 1—AMENDMENTS TO THE BROKEN HILL WATER AND  
SEWERAGE ACT 1938**

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**BROKEN HILL WATER AND SEWERAGE (AMENDMENT) ACT  
1986 No. 200**

NEW SOUTH WALES



**Act No. 200, 1986**

An Act to amend the Broken Hill Water and Sewerage Act 1938 as a consequence of the enactment of the Water Administration Act 1986; and for other purposes. [Assented to 18 December 1986]

*Broken Hill Water and Sewerage (Amendment) 1986*

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**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 "Broken Hill Water and Sewerage (Amendment) Act 1986".

**Commencement**

2. (1) Sections 1 and 2 shall commence on the date of assent to this Act.

(2) Except as provided by subsection (1), this Act shall commence on the commencement of the Water Administration Act 1986.

**Amendment of Act No. 20, 1938**

3. The Broken Hill Water and Sewerage Act 1938 is amended in the manner set forth in Schedule 1.

**Saving**

4. If anything that, before the commencement of this Act, was done under the Broken Hill Water and Sewerage Act 1938 by the Minister administering that Act or the Minister for Public Works—

- (a) still had effect immediately before that commencement;
- (b) could have been done by the Water Administration Ministerial Corporation if this Act and the Water Administration Act 1986 had been in force when it was done; and
- (c) is not a continued responsibility of the Minister for Public Works as provided by section 57 (4) of that Act, as amended by this Act,

it has effect on and after that commencement as if it had been done by the Water Administration Ministerial Corporation.

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## SCHEDULE 1

(Sec. 3)

AMENDMENTS TO THE BROKEN HILL WATER AND SEWERAGE  
ACT 1938(1) Section 2 (**Arrangement**)—

Omit the section.

(2) Section 3 (**Interpretation**)—

Definition of “Ministerial Corporation”—

After the definition of “Member”, insert:

“Ministerial Corporation” means the Water Administration Ministerial Corporation constituted by the Water Administration Act 1986.

## (3) Sections 8, 33 (3), 47, 87A, 94, 111 (1), 114, 118 (a), 140—

Omit “Minister” wherever occurring, insert instead “Ministerial Corporation”.

(4) Section 15 (**Preliminary powers and functions**)—

Omit the section.

(5) Section 47 (**Catchment areas**)—

## (a) Section 47 (4) (e)—

Omit “1902; or”, insert instead “1902.”.

## (b) Section 47 (4) (f)—

Omit the paragraph.

## (6) Part V, Division 6, heading—

Omit “*of Minister for Public Works*”.(7) Section 56 (**Carrying out of works**)—

## (a) Section 56 (1)—

Omit “Minister for Public Works” wherever occurring, insert instead “Ministerial Corporation”.

*Broken Hill Water and Sewerage (Amendment) 1986*

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SCHEDULE 1—*continued*

AMENDMENTS TO THE BROKEN HILL WATER AND SEWERAGE  
ACT 1938—*continued*

- (b) Section 56 (1)—  
Omit “said Minister” wherever occurring, insert instead “Ministerial Corporation”.
- (c) Section 56 (2), (3)—  
Omit “Minister for Public Works” wherever occurring, insert instead “Ministerial Corporation”.
- (8) Section 57 (**Construction of works in Second Schedule**)—
- (a) Section 57 (1), (3)—  
Omit “Minister for Public Works” wherever occurring, insert instead “Ministerial Corporation”.
- (b) Section 57 (4)—  
After section 57 (3), insert:  
  
(4) In relation to works described in the Second Schedule that were commenced before the commencement of the Broken Hill Water and Sewerage (Amendment) Act 1986, this section, section 56 (2), section 58 and the Second Schedule, as in force immediately before the commencement of that Act, continue in force after that commencement as if that Act had not been enacted.
- (9) Section 58 (**Completion of works**)—  
Omit “Minister for Public Works” wherever occurring, insert instead “Ministerial Corporation”.
- (10) Section 87A (**Reduction of rates payable by certain classes of pensioners**)—  
Section 87A (8), (9), (11)—  
Omit “he” wherever occurring, insert instead “the Ministerial Corporation”.



SCHEDULE 1—*continued*AMENDMENTS TO THE BROKEN HILL WATER AND SEWERAGE  
ACT 1938—*continued*(11) Section 113 (**Divesting**)—

Omit “Minister and shall be held by him under and subject to the provisions of the Public Works Act, 1912, as amended by subsequent Acts”, insert instead “Ministerial Corporation”.

(12) Section 136 (**Penalty for obstructing construction of works**)—

Omit “Minister for Public Works”, insert instead “Ministerial Corporation”.

(13) Section 140 (**Settlement of disputes between the board and other public authorities**)—

Section 140 (2)—

Omit “him”, insert instead “the Ministerial Corporation”.

## (14) Second Schedule—

Omit “Minister for Public Works” wherever occurring, insert instead “Ministerial Corporation”.



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