

FIRST PRINT

DRAINAGE (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 Drainage Act 1939 as a consequence of the enactment of the proposed Water Administration Act 1986 which constitutes the Water Administration Ministerial Corporation ("the Ministerial Corporation").

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 provides for the transition to the Ministerial Corporation of responsibility for past actions of the Minister under the Drainage Act 1939 that still had effect immediately before the commencement of the proposed Act.

Schedule 1 amends the Drainage Act 1939 in a manner consequential upon the assumption of the functions of the Minister under that Act by the Ministerial Corporation.



DRAINAGE (AMENDMENT) BILL 1986

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of Act No. 29, 1939
4. Saving

SCHEDULE 1—AMENDMENTS TO THE DRAINAGE ACT 1939

DRAINAGE (AMENDMENT) BILL 1986

NEW SOUTH WALES



No. , 1986

A BILL FOR

An Act to amend the Drainage Act 1939 as a consequence of the enactment of the Water Administration Act 1986 and for other purposes.

Drainage (Amendment) 1986

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 "Drainage (Amendment) Act 1986".

Commencement

2. (1) Sections 1 and 2 shall commence on the date of assent to this Act.
- 10 (2) Except as provided by subsection (1), this Act shall commence on the commencement of the Water Administration Act 1986.

Amendment of Act No. 29, 1939

3. The Drainage Act 1939 is amended in the manner set forth in Schedule 1.

15 Saving

4. If anything that, before the commencement of this Act, was done under the Drainage Act 1939 by the Minister administering that Act—
 - (a) still had effect immediately before the commencement of this Act; and
 - 20 (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,

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

Drainage (Amendment) 1986

SCHEDULE 1

(Sec. 3)

AMENDMENTS TO THE DRAINAGE ACT 1939

- (1) Section 4 (**Interpretation**)—
- 5 (a) Definition of “Local land board”—
Omit “Minister”, insert instead “Ministerial Corporation”.
- (b) Definition of “Ministerial Corporation”—
After the definition of “Local land board”, insert:
- 10 “Ministerial Corporation” means the Water Administration
Ministerial Corporation constituted by the Water
Administration Act 1986.
- (2) Sections 8, 9 (3), 10 (1), 11, 12, 14 (1), 17, 23 (1) (a), 24, 25 (c), 28,
32 (2), 35, 37, 39 (3), 58, 69 (1), 73 (2)—
- 15 Omit “Minister” wherever occurring, insert instead “Ministerial
Corporation”.
- (3) Section 11 (**Inquiry**)—
- (a) Omit “he considers sufficient”.
- (b) Omit “him”, insert instead “the Ministerial Corporation”.
- (4) Section 15 (**Appointment and election of directors**)—
- 20 (a) Section 15 (1)—
Omit the subsection, insert instead:
- (1) The Ministerial Corporation shall appoint one director of
each trust.
- (b) Section 15 (2), (4)—
- 25 Omit “Minister” wherever occurring, insert instead “Ministerial
Corporation”.
- (5) Section 24 (**Election of directors**)—
Section 24 (2)—
Omit “he”, insert instead “the Ministerial Corporation”.

*Drainage (Amendment) 1986*SCHEDULE 1—*continued*AMENDMENTS TO THE DRAINAGE ACT 1939—*continued*(6) Section 34 (**Extension of works**)—

Omit “Minister’s consent”, insert instead “consent of the Ministerial Corporation”.

(7) Section 36—

5 Omit the section, insert instead—

Power of entry

36. (1) A person authorised by the Ministerial Corporation may at any time enter a trust district and—

(a) inspect or survey the works; and

10 (b) inspect the records and accounts of the board.

(2) If, as a result of an inspection, the Ministerial Corporation is satisfied that the works are not kept in repair and efficient working order, the Ministerial Corporation may cause to be made such repairs or renewals as the Ministerial Corporation considers to be necessary.

15 (3) For the purposes of subsection (2), the Ministerial Corporation has the powers of the board and the cost of any repairs or renewals made shall be repaid as prescribed.

(8) Section 43 (**Rates, making and levying**)—

20 Omit “Minister’s consent”, insert instead “consent of the Ministerial Corporation”.

(9) Section 58 (**Extinction of debt to Crown**)—

Section 58 (1)—

(a) Omit “him”, insert instead “the Ministerial Corporation”.

25 (b) Omit “in his opinion”, insert instead “in the opinion of the Ministerial Corporation”.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1986

DRAINAGE (AMENDMENT) ACT 1986 No. 201

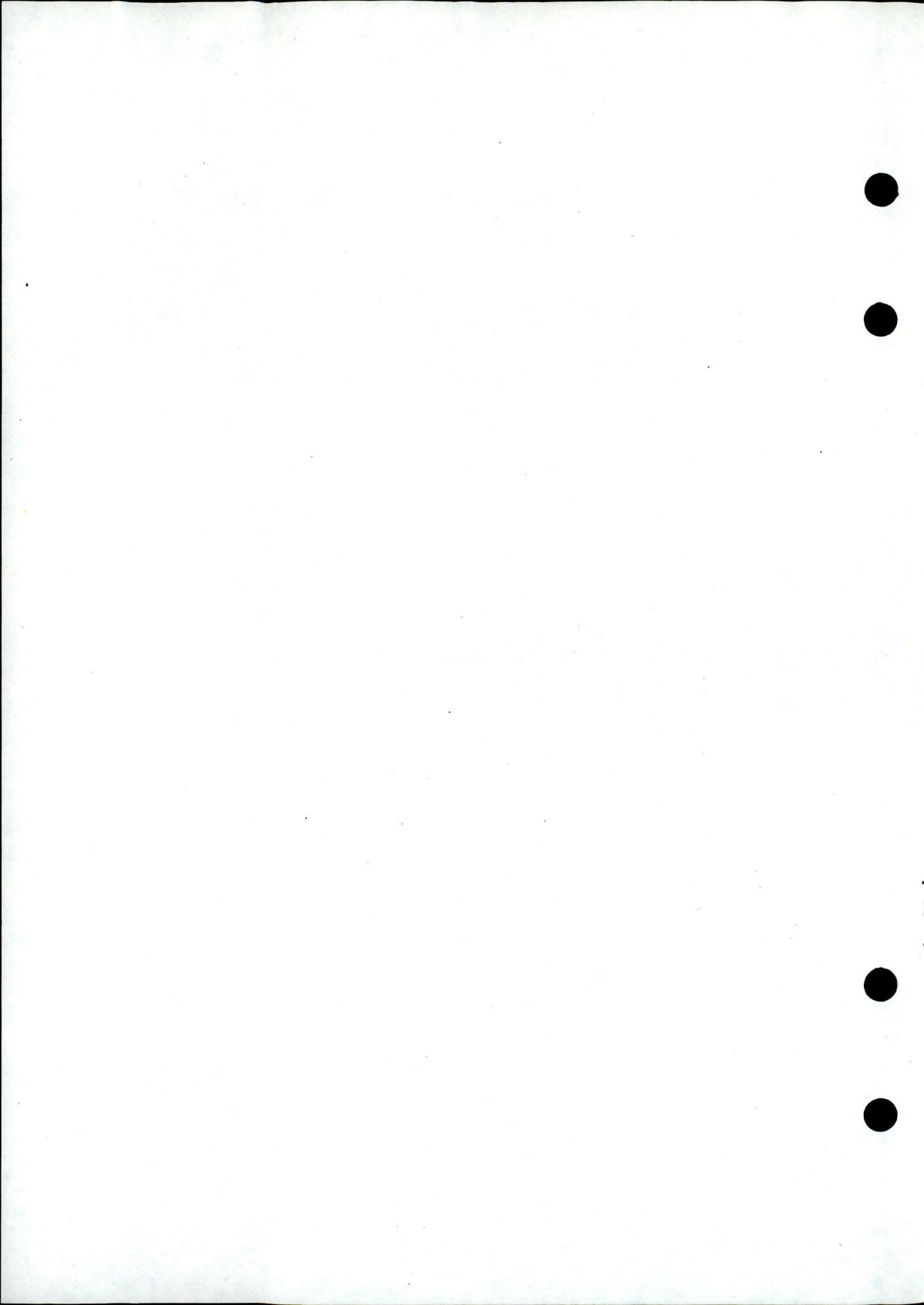
NEW SOUTH WALES



TABLE OF PROVISIONS

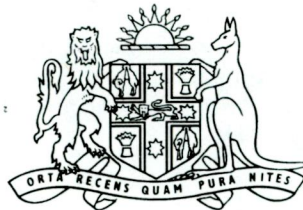
1. Short title
2. Commencement
3. Amendment of Act No. 29, 1939
4. Saving

SCHEDULE 1—AMENDMENTS TO THE DRAINAGE ACT 1939



DRAINAGE (AMENDMENT) ACT 1986 No. 201

NEW SOUTH WALES



Act No. 201, 1986

An Act to amend the Drainage Act 1939 as a consequence of the enactment of the Water Administration Act 1986; and for other purposes. [Assented to 18 December 1986]

Drainage (Amendment) 1986

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 "Drainage (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. 29, 1939

3. The Drainage Act 1939 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 Drainage Act 1939 by the Minister administering that Act—

- (a) still had effect immediately before the commencement of this Act; and
- (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,

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

SCHEDULE 1

(Sec. 3)

AMENDMENTS TO THE DRAINAGE ACT 1939

(1) Section 4 (**Interpretation**)—

(a) Definition of “Local land board”—

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

(b) Definition of “Ministerial Corporation”—

After the definition of “Local land board”, insert:

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

(2) Sections 8, 9 (3), 10 (1), 11, 12, 14 (1), 17, 23 (1) (a), 24, 25 (c), 28, 32 (2), 35, 37, 39 (3), 58, 69 (1), 73 (2)—

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

(3) Section 11 (**Inquiry**)—

(a) Omit “he considers sufficient”.

(b) Omit “him”, insert instead “the Ministerial Corporation”.

(4) Section 15 (**Appointment and election of directors**)—

(a) Section 15 (1)—

Omit the subsection, insert instead:

(1) The Ministerial Corporation shall appoint one director of each trust.

(b) Section 15 (2), (4)—

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

Drainage (Amendment) 1986

SCHEDULE 1—*continued*

AMENDMENTS TO THE DRAINAGE ACT 1939—*continued*

(5) Section 24 (**Election of directors**)—

Section 24 (2)—

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

(6) Section 34 (**Extension of works**)—

Omit “Minister’s consent”, insert instead “consent of the Ministerial Corporation”.

(7) Section 36—

Omit the section, insert instead—

Power of entry

36. (1) A person authorised by the Ministerial Corporation may at any time enter a trust district and—

(a) inspect or survey the works; and

(b) inspect the records and accounts of the board.

(2) If, as a result of an inspection, the Ministerial Corporation is satisfied that the works are not kept in repair and efficient working order, the Ministerial Corporation may cause to be made such repairs or renewals as the Ministerial Corporation considers to be necessary.

(3) For the purposes of subsection (2), the Ministerial Corporation has the powers of the board and the cost of any repairs or renewals made shall be repaid as prescribed.

(8) Section 43 (**Rates, making and levying**)—

Omit “Minister’s consent”, insert instead “consent of the Ministerial Corporation”.

Drainage (Amendment) 1986

SCHEDULE 1—*continued*

AMENDMENTS TO THE DRAINAGE ACT 1939—*continued*

(9) Section 58 (Extinction of debt to Crown)—

Section 58 (1)—

- (a) Omit “him”, insert instead “the Ministerial Corporation”.
- (b) Omit “in his opinion”, insert instead “in the opinion of the Ministerial Corporation”.

