

FIRST PRINT

WATER LEGISLATION (REPEAL, AMENDMENT AND SAVINGS) BILL 1987

NEW SOUTH WALES



EXPLANATORY NOTE

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

This Bill is cognate with the Water Supply Authorities Bill 1987.

The objects of this Bill are—

- (a) to repeal the Acts being replaced by the proposed Water Supply Authorities Act 1987 and the proposed Water Board Act 1987;
- (b) to amend certain Acts as a consequence of the enactment of the proposed Acts; and
- (c) to provide for consequential savings and transitional provisions.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the proposed Act to commence on the commencement of the proposed Water Supply Authorities Act 1987.

Clause 3 provides for the interpretation of the proposed Act.

Clause 4 provides for the repeal of the legislation listed in Schedule 1 that is proposed to be superseded.

Clause 5 effects the proposed amendments to various Acts as listed in Schedule 2.

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Clause 6 provides for the consequential savings and transitional provisions in accordance with Schedule 3.

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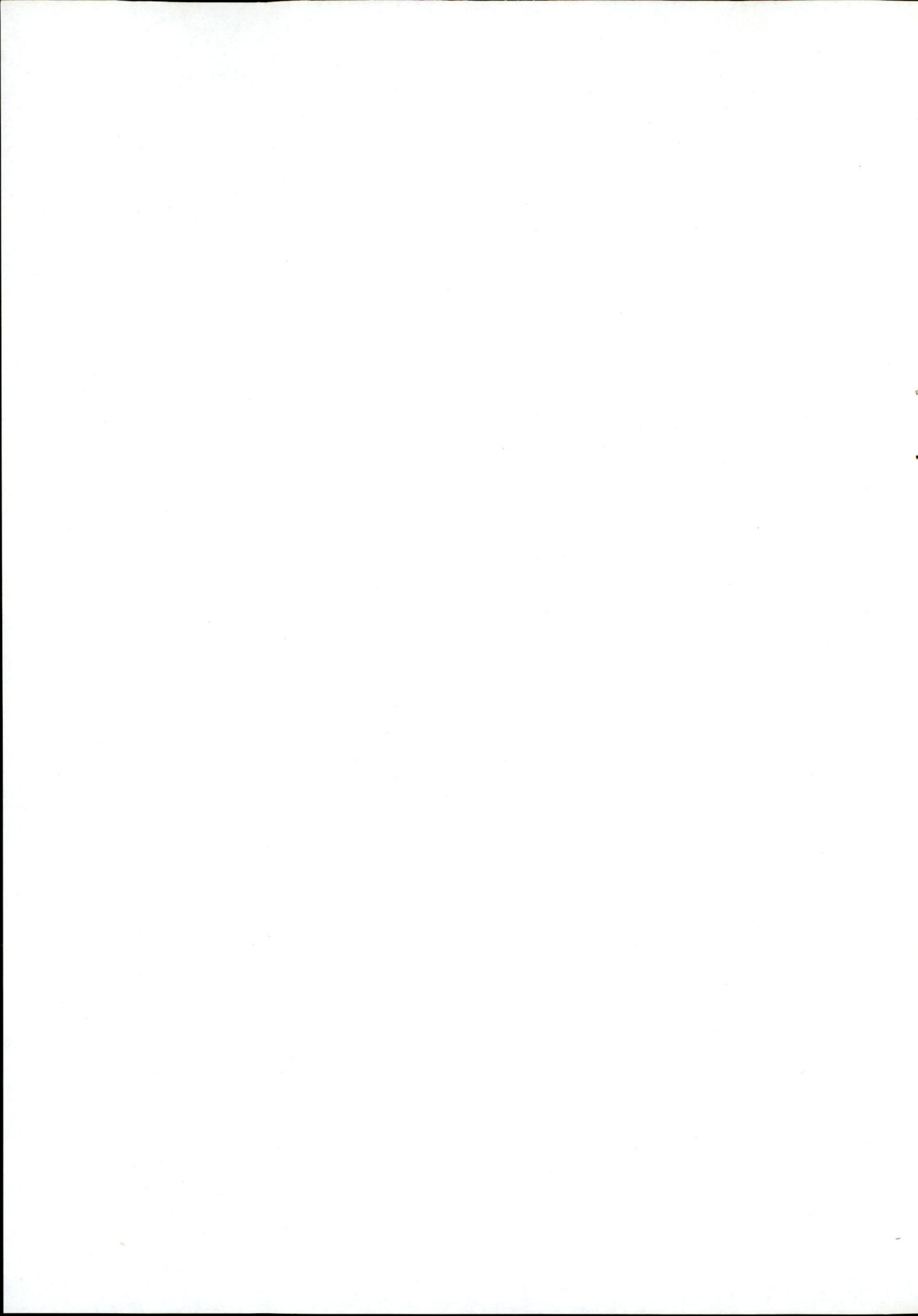
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**WATER LEGISLATION (REPEAL, AMENDMENT AND
SAVINGS) BILL 1987**

NEW SOUTH WALES



No. , 1987

A BILL FOR

An Act to repeal or amend certain Acts and to provide for transitional arrangements as a consequence of those repeals and the enactment of the Water Supply Authorities Act 1987 and the Water Board Act 1987.

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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 "Water Legislation (Repeal, Amendment and Savings) Act 1987".

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 Supply Authorities Act 1987.

Interpretation

3. (1) In this Act—

15 "appointed day" means the day appointed and notified under section 2 (2) of the Water Supply Authorities Act 1987;

"Principal Act", in relation to a repealed Act, means—

(a) the Water Supply Authorities Act 1987 where the repealed Act is—

(i) the Hunter District Water, Sewerage and Drainage Act 1958;

20 (ii) the Broken Hill Water and Sewerage Act 1938; or

(iii) the Cobar Water Supply Act 1963; or

(b) the Water Board Act 1987 where the repealed Act is the Metropolitan Water, Sewerage, and Drainage Act 1924.

25 **(2)** Words and expressions used in this Act have the same meaning as they have in the Principal Acts.

Repeals

4. Each Act listed in Schedule 1 is, to the extent indicated in that Schedule, repealed.

Amendments

30 **5.** The Acts listed in Schedule 2 are amended in the manner set forth in that Schedule.

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6. Schedule 3 has effect.

SCHEDULE 1

(Sec. 4)

5 REPEALS

- Metropolitan Water, Sewerage, and Drainage Act 1924 No. 50—the whole Act
 Conveyancing (Amendment) Act 1930 No. 44—section 34 (2) (e)
 Metropolitan Water, Sewerage, and Drainage Amendment (Elections) Act 1935 No. 16—the whole Act
- 10 Statute Law Revision Act 1937 No. 35—as much of the Second Schedule as relates to Act No. 50, 1924
 Hunter District Water, Sewerage and Drainage Act 1938 No. 11—the whole Act
 Broken Hill Water and Sewerage Act 1938 No. 20—the whole Act
 Local Government (Further Amendment) Act 1939 No. 41—section 8
- 15 Local Government (Areas) Act 1948 No. 30—section 29
 Broken Hill Water and Sewerage (Radium Hill) Amendment Act 1954 No. 12—section 9
 Cobar Water Supply Act 1963 No. 44—the whole Act
 Macquarie University Act 1964 No. 29—section 33
- 20 University of Newcastle Act 1964 No. 72—section 37
 Decimal Currency Act 1965 No. 33—so much of the First and Second Schedules as relates to Act No. 50, 1924, Act No. 11, 1938 and Act No. 44, 1963
 Supreme Court Act 1970 No. 52—so much of the Second Schedule as relates to Act No. 50, 1924, Act No. 11, 1938, Act No. 20, 1938 and Act No. 44, 1963
- 25 Metropolitan Water, Sewerage, and Drainage (Amendment) Act 1972 No. 33—the whole Act
 Supreme Court (Amendment) Act 1972 No. 41—so much of the Second Schedule as relates to Act No. 50, 1924, Act No. 11, 1938 and Act No. 20, 1938
- 30 Reprints Act 1972 No. 48—so much of the Schedule as relates to Act No. 50, 1924, Act No. 11, 1938 and Act No. 20, 1938
 University of Wollongong Act 1972 No. 72—so much of the Schedule as relates to Act No. 50, 1924

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SCHEDULE 1—*continued*

REPEALS—*continued*

- Aborigines (Amendment) Act 1973 No. 35—sections 9–11
- Strata Titles Act 1973 No. 68—so much of Part 2 of Schedule 3 as relates to Act No. 50, 1924, Act No. 11, 1938 and Act No. 20, 1938
- 5 Coal Mining Act 1973 No. 81—so much of the Fourth Schedule as relates to Act No. 50, 1924, Act No. 11, 1938 and Act No. 20, 1938
- Strata Titles (Amendment) Act 1974 No. 35—so much of the Schedule as relates to the Metropolitan Water, Sewerage, and Drainage Act 1924 and the Hunter District Water, Sewerage and Drainage Act 1938
- 10 Colleges of Advanced Education Act 1975 No. 11—sections 27 and 28 Metropolitan Water, Sewerage, and Drainage (Amendment) Act 1975 No. 62—the whole Act
- Hunter District Water, Sewerage and Drainage (Amendment) Act 1975 No. 64—the whole Act
- Metric Conversion Act 1975 No. 72—so much of the Schedule as relates to Act No. 50, 1924 and Act No. 11, 1938
- 15 Statutory and Other Offices Remuneration Act 1975 (1976 No. 4)—so much of Schedule 5 as relates to Act No. 50, 1924, Act No. 11, 1938 and Act No. 20, 1938
- Statute Law Revision Act 1976 No. 63—so much of Schedule 1 as relates to Act No. 50, 1924
- 20 Notice of Action and Other Privileges Abolition Act 1977—so much of Schedule 1 as relates to Act No. 50, 1924, Act No. 11, 1938, Act No. 20, 1938 and Act No. 44, 1963
- Metropolitan Water, Sewerage, and Drainage (Blue Mountains) Amendment Act 1979 No. 148—the whole Act
- 25 Miscellaneous Acts (Planning) Repeal and Amendment Act 1979 No. 205—so much of Schedule 2 as relates to the Metropolitan Water, Sewerage, and Drainage Act 1924, the Hunter District Water, Sewerage and Drainage Act 1938, the Broken Hill Water and Sewerage Act 1938 and the Cobar Water Supply Act 1963
- Dairy Industry Act 1979 No. 208—so much of Part 2 of Schedule 4 as relates to Act No. 50, 1924 and Act No. 11, 1938
- 30 Cobar Water Supply (Amendment) Act 1980 No. 128—the whole Act
- Broken Hill Water and Sewerage (Rating) Amendment Act 1980, No. 142—the whole Act
- Hunter District Water, Sewerage and Drainage (Rating) Amendment Act 1980 No. 143—the whole Act
- 35 Metropolitan Water, Sewerage, and Drainage (Rating) Amendment Act 1980 No. 144—the whole Act

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SCHEDULE 1—*continued*

REPEALS—*continued*

- Broken Hill Water and Sewerage (Amendment) Act 1980 No. 166—the whole Act
- Miscellaneous Acts (Retirement of Statutory Officers) Amendment Act 1980 No. 187—
so much of Schedule 1 as relates to the Metropolitan Water, Sewerage, and Drainage
Act 1924, the Hunter District Water and Sewerage Act 1938 and the Broken Hill
5 Water and Sewerage Act 1938
- Miscellaneous Acts (Crown Land Titles) Amendment Act 1980 No. 196—so much of
Schedule 1 as relates to the Metropolitan Water, Sewerage, and Drainage Act 1924,
the Hunter District Water, Sewerage and Drainage Act 1938 and the Broken Hill
Water and Sewerage Act 1938
- 10 Miscellaneous Acts (Financial Accommodation) Amendment Act 1981 No. 83—so much
of Schedule 1 as relates to the Metropolitan Water, Sewerage, and Drainage Act 1938,
the Hunter District Water, Sewerage and Drainage Act 1938, the Broken Hill Water
and Sewerage Act 1938 and the Cobar Water Supply Act 1963
- Miscellaneous Acts (Rating and Valuation) Amendment Act 1981 No. 119—so much of
15 Schedule 1 as relates to the Metropolitan Water, Sewerage, and Drainage Act 1924
- Metropolitan Water, Sewerage, and Drainage (Land Acquisition) Amendment Act 1982
No. 98—the whole Act
- Hunter District Water, Sewerage and Drainage (Amendment) Act 1982 No. 163—the
whole Act
- 20 Aboriginal Land Rights Act 1983 No. 42—so much of Schedule 3 as relates to the
Metropolitan Water, Sewerage, and Drainage Act 1924, the Hunter District Water,
Sewerage and Drainage Act 1938 and the Broken Hill Water and Sewerage Act 1938
- Metropolitan Water, Sewerage, and Drainage (Amendment) Act 1983 No. 83—the whole
Act
- 25 Hunter District Water, Sewerage and Drainage (Rates) Amendment Act 1983 No. 84—
the whole Act
- Broken Hill Water and Sewerage (Rates) Amendment Act 1983 No. 119—the whole Act
- Miscellaneous Acts (Public Finance and Audit) Repeal and Amendment Act 1983
No. 153—so much of Schedule 2 as relates to the Metropolitan Water, Sewerage, and
30 Drainage Act 1924, the Hunter District Water, Sewerage and Drainage Act 1938, the
Broken Hill Water and Sewerage Act 1938 and the Cobar Water Supply Act 1963
- Statute Law (Miscellaneous Amendments) Act 1984 No. 153—so much of Schedule 16
as relates to the Hunter District Water, Sewerage and Drainage Act 1938, the Broken
Hill Water and Sewerage Act 1938, the Metropolitan Water, Sewerage, and Drainage
35 Act 1924 and the Metropolitan Water, Sewerage, and Drainage (Amendment) Act 1983
- Hunter District Water, Sewerage and Drainage (Amendment) Act 1985 No. 23—the
whole Act

Water Legislation (Repeal, Amendment and Savings) 1987

SCHEDULE 1—*continued*

REPEALS—*continued*

- Broken Hill Water and Sewerage (Flood Liable Land) Amendment Act 1985 No. 100—the whole Act
- Hunter District Water, Sewerage and Drainage (Flood Liable Land) Amendment Act 1985 No. 101—the whole Act
- 5 Metropolitan Water, Sewerage, and Drainage (Flood Liable Land) Amendment Act 1985 No. 103—the whole Act
- Metropolitan Water, Sewerage, and Drainage (Amendment) Act 1985 No. 127—the whole Act
- 10 Statute Law (Miscellaneous Provisions) Act 1985 No. 231—so much of Schedule 31 as relates to the Hunter District Water, Sewerage and Drainage Act 1938
- City of Newcastle Act 1986 No. 43—so much of Schedule 2 as relates to the Hunter District Water, Sewerage and Drainage Act 1938
- 15 Miscellaneous Acts (Area Health Services) Amendment Act 1986 No. 53—so much of Schedule 1 as relates to the Metropolitan Water, Sewerage, and Drainage Act 1924 and the Hunter District Water, Sewerage and Drainage Act 1938
- Metropolitan Water, Sewerage, and Drainage (Rates and Charges) Amendment Act 1986 No. 69—the whole Act
- Broken Hill Water and Sewerage (Amendment) Act 1986 No. 200—the whole Act
- Cobar Water Supply (Amendment) Act 1986 No. 203—the whole Act
- 20 Statute Law (Miscellaneous Provisions) Act (No. 2) 1986 No. 218—section 2 (3) and Schedule 3
- Miscellaneous Acts (Leasehold Strata Schemes) Amendment Act 1986 No. 220—so much of Schedule 1 as relates to the Metropolitan Water, Sewerage, and Drainage Act 1924, the Hunter District Water, Sewerage and Drainage Act 1938 and the Broken Hill Water and Sewerage Act 1938
- 25 Miscellaneous Acts (Education and Public Instruction) Repeal and Amendment Act 1987—so much of Schedule 2 as relates to the Metropolitan Water, Sewerage, and Drainage Act 1924 and the Broken Hill Water and Sewerage Act 1938
- 30 Statute Law (Miscellaneous Provisions) Act (No. 1) 1987—so much of Schedule 32 as relates to the Metropolitan Water, Sewerage, and Drainage Act 1924, the Hunter District Water, Sewerage and Drainage Act 1938, the Broken Hill Water and Sewerage Act 1938 and the Cobar Water Supply Act 1963
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SCHEDULE 2

(Sec. 5)

AMENDMENTS

Justices Act 1902 No. 27—5 Section 100i (**Interpretation**)—

Insert (in appropriate alphabetical order) in the statutory provisions listed in paragraph (a) of the definition of “penalty notice” the following matter:

Water Board Act 1987, section 51;

Water Supply Authorities Act 1987, section 51;

10 **Local Government Act 1919 No. 41—**

(1) Section 10 (1)—

(a) Omit “Metropolitan Water, Sewerage, and Drainage Act 1924”, insert instead “Water Board Act 1987”.

15 (b) Omit “Hunter District Water Supply and Sewerage Act of 1892”, insert instead “Water Supply Authorities Act 1987”.

(2) Section 327—

(a) Omit section 327 (1) (d), insert instead:

(d) the town or shire clerk has certified that—

20 (i) the requirements of this Act (other than the requirement for the registration of plans) have been complied with; and

(ii) in the case of a subdivision (being a subdivision that provides for the opening of a public road) of land that is wholly or partly within—

25 (A) the Water Board’s area of operations, within the meaning of the Water Board Act 1987; or

(B) a Water Supply Authority’s area of operations, within the meaning of the Water Supply Authorities Act 1987,

30 a certificate of compliance has been issued under section 27 of the Water Board Act 1987 or section 27 of the Water Supply Authorities Act 1987, as the case requires, in respect of the subdivision; and

(b) Omit section 327 (2) (b), insert instead:

(b) the town or shire clerk has certified that—

35 (i) the requirements of this Act (other than the requirement for the registration of plans) have been complied with; and

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SCHEDULE 2—*continued*
 AMENDMENTS—*continued*

(ii) in the case of a subdivision of land that is wholly or partly within—

(A) the Water Board's area of operations, within the meaning of the Water Board Act 1987; or

5 (B) a Water Supply Authority's area of operations, within the meaning of the Water Supply Authorities Act 1987,

10 a certificate of compliance has been issued under section 27 of the Water Board Act 1987 or section 27 of the Water Supply Authorities Act 1987, as the case requires, in respect of the subdivision; and

(3) Section 331A—

Omit the section, insert instead:

Subdivision of land within the area of operations of the Water Board or a Water Supply Authority

15 331A. (1) If—

(a) the council approves, or approves subject to conditions, of an application under this Division (other than an application relating only to the opening of a public road) in respect of land that is wholly or partly within—

20 (i) the Water Board's area of operations, within the meaning of the Water Board Act 1987; or

(ii) a Water Supply Authority's area of operations, within the meaning of the Water Supply Authorities Act 1987; or

25 (b) on an appeal against the decision or all of the decisions of the council in respect of an application under this Division (other than an application relating only to the opening of a public road) in respect of any such land, the Land and Environment Court makes a decision other than a decision dismissing the appeal,

30 the council shall, as soon as practicable after the approval is given or the decision is made, forward to the Water Board or the Water Supply Authority, as the case may be, a copy of the plan of subdivision together with a copy of any conditions subject to which the council has approved of the application, or a copy of any such decision of the Court relating to the application, as the case requires.

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5 (2) The council shall cause to be endorsed on every notice of its decision, in relation to land referred to in subsection (1) (a), given under section 331 (3) (other than a notice that the application has been disapproved) a statement that the land may not be subdivided until a compliance certificate has been issued under section 27 of the Water Board Act 1987 or section 27 of the Water Supply Authorities Act 1987, as the case requires, in respect of this subdivision.

(3) The town or shire clerk shall not give a certificate under section 327 (1) (d) or (2) (b) in relation to the subdivision of land that is wholly or partly within—

10 (a) the Water Board's area of operations, within the meaning of the Water Board Act 1987; or

(b) a Water Supply Authority's area of operations, within the meaning of the Water Supply Authorities Act 1987,

15 unless there has been lodged with the town or shire clerk a certificate of compliance issued under section 27 of the Water Board Act 1987 or section 27 of the Water Supply Authorities Act 1987, as the case requires, in respect of this subdivision.

Public Works Act 1912 No. 45—

(1) Section 43 (1)—

20 Omit "(except such rights-of-way or other easements as may be specified or described in the notification as being excepted from the vesting)".

(2) Section 43 (1A)—

After section 43 (1), insert:

25 (1A) Subsection (1) does not apply in relation to such easements or rights-of-way—

(a) as are specified or described in the notification as being excepted from the vesting; or

30 (b) unless specified or described in the notification—of the Water Board or a Water Supply Authority listed in Part 1 of Schedule 1 to the Water Supply Authorities Act 1987.

(3) Section 43 (3)—

After section 43 (2), insert:

35 (3) A main or pipe of a body specified in subsection (1A) (b) is not a fixture for the purposes of subsection (1) unless the notification under subsection (1) provides that it is.

*Water Legislation (Repeal, Amendment and Savings) 1987*SCHEDULE 2—*continued*AMENDMENTS—*continued***Statutory and Other Offices Remuneration Act 1975 (Act No. 4, 1976)—**

(1) Schedule 2, Part 1—

Omit “General Manager of the Metropolitan Water Sewerage and Drainage Board”, insert instead “Managing Director of the Water Board”.

5 (2) Schedule 2, Part 1—

Omit “Deputy General Manager of the Metropolitan Water Sewerage and Drainage Board”, insert instead “Deputy Managing Director of the Water Board”.

(3) Schedule 2, Part 1—

10 Omit “The Hunter”, insert instead “the Hunter”.

(4) Schedule 2, Part 1—

Omit “The Broken”, insert instead “the Broken”.

(5) Schedule 2, Part 1—

15 After the matter relating to the President of the Broken Hill Water Board, insert:

Full-time member of a Water Supply Authority (other than the Hunter District Water Board and the Broken Hill Water Board) listed in Part 1 of Schedule 1 to the Water Supply Authorities Act 1987.

Water Act 1912 No. 44—

20 (1) Section 17A—

After section 17A (4), insert:

(5) A reference in this section to modification of a licence is not limited to a modification by way of restriction.

(2) Section 20H—

25 After section 20H (4), insert:

(5) A reference in this section to modification of an authority is not limited to a modification by way of restriction.

(3) Section 20s—

After section 20s (4), insert:

30 (5) A reference in this section to modification of a group licence is not limited to a modification by way of restriction.

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SCHEDULE 2—*continued*
AMENDMENTS—*continued*

(4) Section 20XB—

Omit “vineyards, orchards, trees or any other”.

Water Administration Act 1986 No.195—

(1) (a) Section 11 (4) (c)—

5 Omit “maintain”, insert instead “effect and maintain”.

(b) Section 11 (4) (n)—

Omit “bush”.

(c) Section 11 (4) (n)—

After “emergency”, insert “or hardship”.

10 (2) Section 12 (**Control of use and flow of water**)—

Section 12 (5)—

After section 12 (4), insert:

(5) No action or proceeding may be brought—

(a) to compel the Ministerial Corporation to supply water; or

15 (b) to recover any penalty or damages from the Ministerial Corporation in respect of a failure to supply water.

(3) Section 12A—

After section 12, insert:

Commercial operations

20 12A. (1) With the approval of the Governor, the Ministerial Corporation may enter into commercial operations with respect to—

(a) any services developed in connection with the exercise of its functions;

(b) any products or by-products resulting from the exercise of those functions;

25 (c) without limiting the above, any intellectual property resulting from the exercise of those functions; or

(d) any other prescribed matters.

30 (2) With the approval of the Governor, the Ministerial Corporation may form, or join in forming, a company, partnership or trust for the purpose of exercising its powers under this section.

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SCHEDULE 2—*continued*
AMENDMENTS—*continued*

- (4) Section 17 (**Special committees**)—
Section 17 (3)—
After “Corporation” where secondly occurring, insert “, or officers of the Department.”.
- 5 (5) Section 19 (**Exclusion of liability**)—
Section 19 (3)—
After section 19 (2), insert:
- 10 (3) No matter or thing done by the Ministerial Corporation or any person acting under the direction of the Ministerial Corporation shall, if the matter or thing was done in good faith for the purposes of executing this or any other Act, subject the Minister or a person so acting personally to any action, liability, claim or demand.
- (6) Schedule 1 (**Acts under which Ministerial Corporation may exercise functions**)—
- 15 (a) Omit “Broken Hill Water and Sewerage Act 1938”, “Cobar Water Supply Act 1963”, “Hunter District Water, Sewerage and Drainage Act 1938” and “Metropolitan Water, Sewerage, and Drainage Act 1924”.
- (b) At the end of the Schedule, insert:
Water Board Act 1987
Water Supply Authorities Act 1987
- 20 (7) Schedule 2 (**Absolute rights**)—
Omit clauses 1–3.

SCHEDULE 3

(Sec. 6)

SAVINGS AND TRANSITIONAL PROVISIONS

25 **Meaning of certain references**

1. A reference in another Act or in an instrument made under another Act, not in either case being one of the Principal Acts—

- (a) to the Metropolitan Water, Sewerage, and Drainage Act 1924—shall be read as a reference to the Water Board Act 1987;

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(b) to the Hunter District Water, Sewerage and Drainage Act 1938, the Broken Hill Water and Sewerage Act 1938 or the Cobar Water Supply Act 1963 shall be read as a reference to the Water Supply Authorities Act 1987; or

5 (c) to The Metropolitan Water Sewerage and Drainage Board—shall be read as a reference to the Water Board.

Continuation of existing Boards and areas of operations

2. (1) The Water Board constituted by the Water Board Act 1987 is a continuation of, and the same legal entity as, The Metropolitan Water Sewerage and Drainage Board constituted by the Metropolitan Water, Sewerage, and Drainage Act 1924.

10 (2) The Hunter District Water Board is a continuation of, and the same legal entity as, The Hunter District Water Board constituted by the Hunter District Water, Sewerage and Drainage Act 1938.

(3) The Broken Hill Water Board is a continuation of, and the same legal entity as, The Broken Hill Water Board constituted by the Broken Hill Water, Sewerage and
15 Drainage Act 1938.

(4) The Cobar Water Board is a continuation of, and the same legal entity as, The Cobar Water Board constituted by the Cobar Water Supply Act 1963.

General Manager and Deputy General Manager of the Water Board

3. The person who, immediately before the appointed day, held office—

20 (a) as General Manager of The Metropolitan Water Sewerage and Drainage Board—shall be deemed to have been appointed as Managing Director of the Water Board; or

(b) as Deputy General Manager of The Metropolitan Water Sewerage and Drainage
25 Board—shall be deemed to have been appointed as Deputy Managing Director of the Water Board,

on the same terms and conditions, and for the residue of the term of office, on and for which he or she had last been appointed as General Manager or Deputy General Manager.

Continuation in office of appointed members

30 4. A person who—

(a) immediately before the appointed day, was a member of a body corporate constituted by a repealed Act and then continued by this Act; and

(b) had been appointed to the office by the Governor,

35 shall be deemed to have been appointed by the Governor as a member of the body corporate continued by this Act and to have been so appointed on the same terms and conditions, and for the residue of the term of office, on and for which he or she had last been appointed as such a member.

*Water Legislation (Repeal, Amendment and Savings) 1987*SCHEDULE 3—*continued*SAVINGS AND TRANSITIONAL PROVISIONS—*continued***Certain statutory instruments to continue in force**

5. (1) If a by-law or regulation in force under a repealed Act immediately before the appointed day could have been made under the Principal Act if it had then been in force, the by-law or regulation continues in force on and after that day as if it were a regulation made under the Principal Act and may be varied or revoked by a regulation made under the Principal Act.

(2) For the purposes of subclause (1), a reference to a provision of a repealed Act in a by-law or regulation made under it shall be read as a reference to the corresponding provision of the Principal Act.

10 (3) A proclamation published in relation to an industrial undertaking under section 88 (4) of the Metropolitan Water, Sewerage, and Drainage Act 1924 and in force immediately before the appointed day continues in force on and after that day as if it were a proclamation declaring the undertaking to be an industrial undertaking for the purposes of Schedule 3 to the Water Board Act 1987.

15 Temporary continuation of provision of repealed Act

6. (1) This clause applies to a provision of a repealed Act the effect of which, but for this clause, would not be continued after the appointed day unless a regulation to the like effect could be made, and is made, under the Principal Act.

20 (2) A provision of a repealed Act to which this clause applies continues in force until a regulation to the like effect is made under the Principal Act.

(3) This clause ceases to have effect—

(a) on such day as may be appointed by the Governor and notified by proclamation published in the Gazette; or

(b) on the day that is 2 years later than the commencement of the Principal Act,

25 whichever is the earlier day.

Change of Principal under contract

7. (1) An Authority may serve on a Contractor a notice in writing stating that, on and from a date that is specified in the notice and is later than the date of service, the Minister for Public Works, or some other person specified in the notice, will be the
30 Principal under a specified contract.

(2) On and from the date specified in a notice served under subclause (1)—

(a) the Minister for Public Works or other person specified becomes for all purposes the Principal under the contract to which the notice relates;

35 (b) anything done or omitted under the contract by the Authority or any of its predecessors shall be deemed to have been done or omitted by the Minister for Public Works or other person specified;

*Water Legislation (Repeal, Amendment and Savings) 1987*SCHEDULE 3—*continued*SAVINGS AND TRANSITIONAL PROVISIONS—*continued*

- (c) any legal proceedings instituted under the contract, and not finally determined, before that date by or against the Authority or any of its predecessors shall be deemed to be legal proceedings by or against the Minister for Public Works or other persons specified; and
- 5 (d) any proceedings under the contract by way of arbitration between the Authority or any of its predecessors and another person that have not been finally determined before that date shall be deemed to be proceedings by way of arbitration between the Minister for Public Works and that other person.
- (3) In this clause—
- 10 “Authority” means a Water Supply Authority or the Water Board;
- “Contractor” means the party who is “the Contractor” within the meaning of a contract made with an Authority or any of its predecessors;
- “Minister for Public Works” means the Minister of the Crown for the time being administering the Public Works Act 1912;
- 15 “Principal” means the party referred to in a contract with a Contractor as “the Principal”.

General

8. If anything done or commenced under a repealed Act before the appointed day and still having effect or not completed immediately before that day could have been
- 20 done or commenced under the Principal Act if the Principal Act and this Act had been in force when the thing was done or commenced—
- (a) the thing done continues to have effect; or
- (b) the thing commenced may be completed,
- as if it had been done or commenced under the Principal Act.

25 Effect of Interpretation Acts

9. This Act has effect in addition to, and does not derogate from, the operation of—
- (a) section 8 of the Interpretation Act 1897; or
- (b) section 30 of the Interpretation Act 1987.

Regulations

- 30 10. (1) The regulations under a Principal Act may contain other provisions of a savings or transitional nature consequent on the enactment of this Act.
- (2) A provision referred to in subclause (1) may, if the regulations so provide, take effect from the appointed day or a later date.

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SCHEDULE 3—*continued*

SAVINGS AND TRANSITIONAL PROVISIONS—*continued*

- (3) To the extent to which a provision referred to in subclause (1) takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as—
- 5 (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication therein; or
- (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication therein.
- 10 (4) A provision referred to in subclause (1) shall, if the regulations so provide, have effect notwithstanding any other clause of this Schedule (clause 3 excepted).

**WATER LEGISLATION (REPEAL, AMENDMENT AND
SAVINGS) ACT 1987 No. 143**

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6. Savings and transitional provisions

SCHEDULE 1—REPEALS

SCHEDULE 2—AMENDMENTS

SCHEDULE 3—SAVINGS AND TRANSITIONAL PROVISIONS



**WATER LEGISLATION (REPEAL, AMENDMENT AND SAVINGS)
ACT 1987 No. 143**

NEW SOUTH WALES



Act No. 143, 1987

An Act to repeal or amend certain Acts and to provide for transitional arrangements as a consequence of those repeals and the enactment of the Water Supply Authorities Act 1987 and the Water Board Act 1987.
[Assented to 16 June 1987]

Water Legislation (Repeal, Amendment and Savings) 1987

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 "Water Legislation (Repeal, Amendment and Savings) Act 1987".

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 Supply Authorities Act 1987.

Interpretation

3. (1) In this Act—

"appointed day" means the day appointed and notified under section 2 (2) of the Water Supply Authorities Act 1987;

"Principal Act", in relation to a repealed Act, means—

(a) the Water Supply Authorities Act 1987 where the repealed Act is—

(i) the Hunter District Water, Sewerage and Drainage Act 1958;

(ii) the Broken Hill Water and Sewerage Act 1938; or

(iii) the Cobar Water Supply Act 1963; or

(b) the Water Board Act 1987 where the repealed Act is the Metropolitan Water, Sewerage, and Drainage Act 1924.

(2) Words and expressions used in this Act have the same meaning as they have in the Principal Acts.

Repeals

4. Each Act listed in Schedule 1 is, to the extent indicated in that Schedule, repealed.

Amendments

5. The Acts listed in Schedule 2 are amended in the manner set forth in that Schedule.

Savings and transitional provisions

6. Schedule 3 has effect.

SCHEDULE 1

(Sec. 4)

REPEALS

- Metropolitan Water, Sewerage, and Drainage Act 1924 No. 50—the whole Act
- Conveyancing (Amendment) Act 1930 No. 44—section 34 (2) (e)
- Metropolitan Water, Sewerage, and Drainage Amendment (Elections) Act 1935 No. 16—the whole Act
- Statute Law Revision Act 1937 No. 35—as much of the Second Schedule as relates to Act No. 50, 1924
- Hunter District Water, Sewerage and Drainage Act 1938 No. 11—the whole Act
- Broken Hill Water and Sewerage Act 1938 No. 20—the whole Act
- Local Government (Further Amendment) Act 1939 No. 41—section 8
- Local Government (Areas) Act 1948 No. 30—section 29
- Broken Hill Water and Sewerage (Radium Hill) Amendment Act 1954 No. 12—section 9
- Cobar Water Supply Act 1963 No. 44—the whole Act
- Macquarie University Act 1964 No. 29—section 33
- University of Newcastle Act 1964 No. 72—section 37
- Decimal Currency Act 1965 No. 33—so much of the First and Second Schedules as relates to Act No. 50, 1924, Act No. 11, 1938 and Act No. 44, 1963
- Supreme Court Act 1970 No. 52—so much of the Second Schedule as relates to Act No. 50, 1924, Act No. 11, 1938, Act No. 20, 1938 and Act No. 44, 1963
- Metropolitan Water, Sewerage, and Drainage (Amendment) Act 1972 No. 33—the whole Act
- Supreme Court (Amendment) Act 1972 No. 41—so much of the Second Schedule as relates to Act No. 50, 1924, Act No. 11, 1938 and Act No. 20, 1938
- Reprints Act 1972 No. 48—so much of the Schedule as relates to Act No. 50, 1924, Act No. 11, 1938 and Act No. 20, 1938
- University of Wollongong Act 1972 No. 72—so much of the Schedule as relates to Act No. 50, 1924

Water Legislation (Repeal, Amendment and Savings) 1987

SCHEDULE 1—*continued*

REPEALS—*continued*

- Aborigines (Amendment) Act 1973 No. 35—sections 9–11
- Strata Titles Act 1973 No. 68—so much of Part 2 of Schedule 3 as relates to Act No. 50, 1924, Act No. 11, 1938 and Act No. 20, 1938
- Coal Mining Act 1973 No. 81—so much of the Fourth Schedule as relates to Act No. 50, 1924, Act No. 11, 1938 and Act No. 20, 1938
- Strata Titles (Amendment) Act 1974 No. 35—so much of the Schedule as relates to the Metropolitan Water, Sewerage, and Drainage Act 1924 and the Hunter District Water, Sewerage and Drainage Act 1938
- Colleges of Advanced Education Act 1975 No. 11—sections 27 and 28 Metropolitan Water, Sewerage, and Drainage (Amendment) Act 1975 No. 62—the whole Act
- Hunter District Water, Sewerage and Drainage (Amendment) Act 1975 No. 64—the whole Act
- Metric Conversion Act 1975 No. 72—so much of the Schedule as relates to Act No. 50, 1924 and Act No. 11, 1938
- Statutory and Other Offices Remuneration Act 1975 (1976 No. 4)—so much of Schedule 5 as relates to Act No. 50, 1924, Act No. 11, 1938 and Act No. 20, 1938
- Statute Law Revision Act 1976 No. 63—so much of Schedule 1 as relates to Act No. 50, 1924
- Notice of Action and Other Privileges Abolition Act 1977—so much of Schedule 1 as relates to Act No. 50, 1924, Act No. 11, 1938, Act No. 20, 1938 and Act No. 44, 1963
- Metropolitan Water, Sewerage, and Drainage (Blue Mountains) Amendment Act 1979 No. 148—the whole Act
- Miscellaneous Acts (Planning) Repeal and Amendment Act 1979 No. 205—so much of Schedule 2 as relates to the Metropolitan Water, Sewerage, and Drainage Act 1924, the Hunter District Water, Sewerage and Drainage Act 1938, the Broken Hill Water and Sewerage Act 1938 and the Cobar Water Supply Act 1963
- Dairy Industry Act 1979 No. 208—so much of Part 2 of Schedule 4 as relates to Act No. 50, 1924 and Act No. 11, 1938
- Cobar Water Supply (Amendment) Act 1980 No. 128—the whole Act
- Broken Hill Water and Sewerage (Rating) Amendment Act 1980, No. 142—the whole Act
- Hunter District Water, Sewerage and Drainage (Rating) Amendment Act 1980 No. 143—the whole Act
- Metropolitan Water, Sewerage, and Drainage (Rating) Amendment Act 1980 No. 144—the whole Act

Water Legislation (Repeal, Amendment and Savings) 1987

SCHEDULE 1—*continued*

REPEALS—*continued*

- Broken Hill Water and Sewerage (Amendment) Act 1980 No. 166—the whole Act
- Miscellaneous Acts (Retirement of Statutory Officers) Amendment Act 1980 No. 187—so much of Schedule 1 as relates to the Metropolitan Water, Sewerage, and Drainage Act 1924, the Hunter District Water and Sewerage Act 1938 and the Broken Hill Water and Sewerage Act 1938
- Miscellaneous Acts (Crown Land Titles) Amendment Act 1980 No. 196—so much of Schedule 1 as relates to the Metropolitan Water, Sewerage, and Drainage Act 1924, the Hunter District Water, Sewerage and Drainage Act 1938 and the Broken Hill Water and Sewerage Act 1938
- Miscellaneous Acts (Financial Accommodation) Amendment Act 1981 No. 83—so much of Schedule 1 as relates to the Metropolitan Water, Sewerage, and Drainage Act 1938, the Hunter District Water, Sewerage and Drainage Act 1938, the Broken Hill Water and Sewerage Act 1938 and the Cobar Water Supply Act 1963
- Miscellaneous Acts (Rating and Valuation) Amendment Act 1981 No. 119—so much of Schedule 1 as relates to the Metropolitan Water, Sewerage, and Drainage Act 1924
- Metropolitan Water, Sewerage, and Drainage (Land Acquisition) Amendment Act 1982 No. 98—the whole Act
- Hunter District Water, Sewerage and Drainage (Amendment) Act 1982 No. 163—the whole Act
- Aboriginal Land Rights Act 1983 No. 42—so much of Schedule 3 as relates to the Metropolitan Water, Sewerage, and Drainage Act 1924, the Hunter District Water, Sewerage and Drainage Act 1938 and the Broken Hill Water and Sewerage Act 1938
- Metropolitan Water, Sewerage, and Drainage (Amendment) Act 1983 No. 83—the whole Act
- Hunter District Water, Sewerage and Drainage (Rates) Amendment Act 1983 No. 84—the whole Act
- Broken Hill Water and Sewerage (Rates) Amendment Act 1983 No. 119—the whole Act
- Miscellaneous Acts (Public Finance and Audit) Repeal and Amendment Act 1983 No. 153—so much of Schedule 2 as relates to the Metropolitan Water, Sewerage, and Drainage Act 1924, the Hunter District Water, Sewerage and Drainage Act 1938, the Broken Hill Water and Sewerage Act 1938 and the Cobar Water Supply Act 1963
- Statute Law (Miscellaneous Amendments) Act 1984 No. 153—so much of Schedule 16 as relates to the Hunter District Water, Sewerage and Drainage Act 1938, the Broken Hill Water and Sewerage Act 1938, the Metropolitan Water, Sewerage, and Drainage Act 1924 and the Metropolitan Water, Sewerage, and Drainage (Amendment) Act 1983
- Hunter District Water, Sewerage and Drainage (Amendment) Act 1985 No. 23—the whole Act

Water Legislation (Repeal, Amendment and Savings) 1987

SCHEDULE 1—*continued*

REPEALS—*continued*

- Broken Hill Water and Sewerage (Flood Liable Land) Amendment Act 1985 No. 100—the whole Act
- Hunter District Water, Sewerage and Drainage (Flood Liable Land) Amendment Act 1985 No. 101—the whole Act
- Metropolitan Water, Sewerage, and Drainage (Flood Liable Land) Amendment Act 1985 No. 103—the whole Act
- Metropolitan Water, Sewerage, and Drainage (Amendment) Act 1985 No. 127—the whole Act
- Statute Law (Miscellaneous Provisions) Act 1985 No. 231—so much of Schedule 31 as relates to the Hunter District Water, Sewerage and Drainage Act 1938
- City of Newcastle Act 1986 No. 43—so much of Schedule 2 as relates to the Hunter District Water, Sewerage and Drainage Act 1938
- Miscellaneous Acts (Area Health Services) Amendment Act 1986 No. 53—so much of Schedule 1 as relates to the Metropolitan Water, Sewerage, and Drainage Act 1924 and the Hunter District Water, Sewerage and Drainage Act 1938
- Metropolitan Water, Sewerage, and Drainage (Rates and Charges) Amendment Act 1986 No. 69—the whole Act
- Broken Hill Water and Sewerage (Amendment) Act 1986 No. 200—the whole Act
- Cobar Water Supply (Amendment) Act 1986 No. 203—the whole Act
- Statute Law (Miscellaneous Provisions) Act (No. 2) 1986 No. 218—section 2 (3) and Schedule 3
- Miscellaneous Acts (Leasehold Strata Schemes) Amendment Act 1986 No. 220—so much of Schedule 1 as relates to the Metropolitan Water, Sewerage, and Drainage Act 1924, the Hunter District Water, Sewerage and Drainage Act 1938 and the Broken Hill Water and Sewerage Act 1938
- Miscellaneous Acts (Education and Public Instruction) Repeal and Amendment Act 1987—so much of Schedule 2 as relates to the Metropolitan Water, Sewerage, and Drainage Act 1924 and the Broken Hill Water and Sewerage Act 1938
- Statute Law (Miscellaneous Provisions) Act (No. 1) 1987—so much of Schedule 32 as relates to the Metropolitan Water, Sewerage, and Drainage Act 1924, the Hunter District Water, Sewerage and Drainage Act 1938, the Broken Hill Water and Sewerage Act 1938 and the Cobar Water Supply Act 1963
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Water Legislation (Repeal, Amendment and Savings) 1987

SCHEDULE 2

(Sec. 5)

AMENDMENTS

Justices Act 1902 No. 27—

Section 100i (**Interpretation**)—

Insert (in appropriate alphabetical order) in the statutory provisions listed in paragraph (a) of the definition of “penalty notice” the following matter:

Water Board Act 1987, section 51;

Water Supply Authorities Act 1987, section 51;

Local Government Act 1919 No. 41—

(1) Section 10 (1)—

(a) Omit “Metropolitan Water, Sewerage, and Drainage Act 1924”, insert instead “Water Board Act 1987”.

(b) Omit “Hunter District Water Supply and Sewerage Act of 1892”, insert instead “Water Supply Authorities Act 1987”.

(2) Section 327—

(a) Omit section 327 (1) (d), insert instead:

(d) the town or shire clerk has certified that—

(i) the requirements of this Act (other than the requirement for the registration of plans) have been complied with; and

(ii) in the case of a subdivision (being a subdivision that provides for the opening of a public road) of land that is wholly or partly within—

(A) the Water Board’s area of operations, within the meaning of the Water Board Act 1987; or

(B) a Water Supply Authority’s area of operations, within the meaning of the Water Supply Authorities Act 1987,

a certificate of compliance has been issued under section 27 of the Water Board Act 1987 or section 27 of the Water Supply Authorities Act 1987, as the case requires, in respect of the subdivision; and

(b) Omit section 327 (2) (b), insert instead:

(b) the town or shire clerk has certified that—

(i) the requirements of this Act (other than the requirement for the registration of plans) have been complied with; and

Water Legislation (Repeal, Amendment and Savings) 1987

SCHEDULE 2—*continued*

AMENDMENTS—*continued*

(ii) in the case of a subdivision of land that is wholly or partly within—

(A) the Water Board's area of operations, within the meaning of the Water Board Act 1987; or

(B) a Water Supply Authority's area of operations, within the meaning of the Water Supply Authorities Act 1987,

a certificate of compliance has been issued under section 27 of the Water Board Act 1987 or section 27 of the Water Supply Authorities Act 1987, as the case requires, in respect of the subdivision; and

(3) Section 331A—

Omit the section, insert instead:

Subdivision of land within the area of operations of the Water Board or a Water Supply Authority

331A. (1) If—

(a) the council approves, or approves subject to conditions, of an application under this Division (other than an application relating only to the opening of a public road) in respect of land that is wholly or partly within—

(i) the Water Board's area of operations, within the meaning of the Water Board Act 1987; or

(ii) a Water Supply Authority's area of operations, within the meaning of the Water Supply Authorities Act 1987; or

(b) on an appeal against the decision or all of the decisions of the council in respect of an application under this Division (other than an application relating only to the opening of a public road) in respect of any such land, the Land and Environment Court makes a decision other than a decision dismissing the appeal,

the council shall, as soon as practicable after the approval is given or the decision is made, forward to the Water Board or the Water Supply Authority, as the case may be, a copy of the plan of subdivision together with a copy of any conditions subject to which the council has approved of the application, or a copy of any such decision of the Court relating to the application, as the case requires.

Water Legislation (Repeal, Amendment and Savings) 1987

SCHEDULE 2—*continued*

AMENDMENTS—*continued*

(2) The council shall cause to be endorsed on every notice of its decision, in relation to land referred to in subsection (1) (a), given under section 331 (3) (other than a notice that the application has been disapproved) a statement that the land may not be subdivided until a compliance certificate has been issued under section 27 of the Water Board Act 1987 or section 27 of the Water Supply Authorities Act 1987, as the case requires, in respect of this subdivision.

(3) The town or shire clerk shall not give a certificate under section 327 (1) (d) or (2) (b) in relation to the subdivision of land that is wholly or partly within—

(a) the Water Board's area of operations, within the meaning of the Water Board Act 1987; or

(b) a Water Supply Authority's area of operations, within the meaning of the Water Supply Authorities Act 1987,

unless there has been lodged with the town or shire clerk a certificate of compliance issued under section 27 of the Water Board Act 1987 or section 27 of the Water Supply Authorities Act 1987, as the case requires, in respect of this subdivision.

Public Works Act 1912 No. 45—

(1) Section 43 (1)—

Omit "(except such rights-of-way or other easements as may be specified or described in the notification as being excepted from the vesting)".

(2) Section 43 (1A)—

After section 43 (1), insert:

(1A) Subsection (1) does not apply in relation to such easements or rights-of-way—

(a) as are specified or described in the notification as being excepted from the vesting; or

(b) unless specified or described in the notification—of the Water Board or a Water Supply Authority listed in Part 1 of Schedule 1 to the Water Supply Authorities Act 1987.

(3) Section 43 (3)—

After section 43 (2), insert:

(3) A main or pipe of a body specified in subsection (1A) (b) is not a fixture for the purposes of subsection (1) unless the notification under subsection (1) provides that it is.

Water Legislation (Repeal, Amendment and Savings) 1987

SCHEDULE 2—*continued*
 AMENDMENTS—*continued*

Statutory and Other Offices Remuneration Act 1975 (Act No. 4, 1976)—

(1) Schedule 2, Part 1—

Omit “General Manager of the Metropolitan Water Sewerage and Drainage Board”, insert instead “Managing Director of the Water Board”.

(2) Schedule 2, Part 1—

Omit “Deputy General Manager of the Metropolitan Water Sewerage and Drainage Board”, insert instead “Deputy Managing Director of the Water Board”.

(3) Schedule 2, Part 1—

Omit “The Hunter”, insert instead “the Hunter”.

(4) Schedule 2, Part 1—

Omit “The Broken”, insert instead “the Broken”.

(5) Schedule 2, Part 1—

After the matter relating to the President of the Broken Hill Water Board, insert:

Full-time member of a Water Supply Authority (other than the Hunter District Water Board and the Broken Hill Water Board) listed in Part 1 of Schedule 1 to the Water Supply Authorities Act 1987.

Water Act 1912 No. 44—

(1) Section 17A—

After section 17A (4), insert:

(5) A reference in this section to modification of a licence is not limited to a modification by way of restriction.

(2) Section 20H—

After section 20H (4), insert:

(5) A reference in this section to modification of an authority is not limited to a modification by way of restriction.

(3) Section 20s—

After section 20s (4), insert:

(5) A reference in this section to modification of a group licence is not limited to a modification by way of restriction.

Water Legislation (Repeal, Amendment and Savings) 1987

SCHEDULE 2—*continued*
AMENDMENTS—*continued*

(4) Section 20XB—

Omit “vineyards, orchards, trees or any other”.

Water Administration Act 1986 No.195—

(1) (a) Section 11 (4) (c)—

Omit “maintain”, insert instead “effect and maintain”.

(b) Section 11 (4) (n)—

Omit “bush”.

(c) Section 11 (4) (n)—

After “emergency”, insert “or hardship”.

(2) Section 12 (**Control of use and flow of water**)—

Section 12 (5)—

After section 12 (4), insert:

(5) No action or proceeding may be brought—

(a) to compel the Ministerial Corporation to supply water; or

(b) to recover any penalty or damages from the Ministerial Corporation in respect of a failure to supply water.

(3) Section 12A—

After section 12, insert:

Commercial operations

12A. (1) With the approval of the Governor, the Ministerial Corporation may enter into commercial operations with respect to—

(a) any services developed in connection with the exercise of its functions;

(b) any products or by-products resulting from the exercise of those functions;

(c) without limiting the above, any intellectual property resulting from the exercise of those functions; or

(d) any other prescribed matters.

(2) With the approval of the Governor, the Ministerial Corporation may form, or join in forming, a company, partnership or trust for the purpose of exercising its powers under this section.

Water Legislation (Repeal, Amendment and Savings) 1987

SCHEDULE 2—*continued*
 AMENDMENTS—*continued*

(4) Section 17 (**Special committees**)—

Section 17 (3)—

After "Corporation" where secondly occurring, insert ", or officers of the Department,".

(5) Section 19 (**Exclusion of liability**)—

Section 19 (3)—

After section 19 (2), insert:

(3) No matter or thing done by the Ministerial Corporation or any person acting under the direction of the Ministerial Corporation shall, if the matter or thing was done in good faith for the purposes of executing this or any other Act, subject the Minister or a person so acting personally to any action, liability, claim or demand.

(6) Schedule 1 (**Acts under which Ministerial Corporation may exercise functions**)—

(a) Omit "Broken Hill Water and Sewerage Act 1938", "Cobar Water Supply Act 1963", "Hunter District Water, Sewerage and Drainage Act 1938" and "Metropolitan Water, Sewerage, and Drainage Act 1924".

(b) At the end of the Schedule, insert:

Water Board Act 1987

Water Supply Authorities Act 1987

(7) Schedule 2 (**Absolute rights**)—

Omit clauses 1-3.

SCHEDULE 3

(Sec. 6)

SAVINGS AND TRANSITIONAL PROVISIONS

Meaning of certain references

1. A reference in another Act or in an instrument made under another Act, not in either case being one of the Principal Acts—

(a) to the Metropolitan Water, Sewerage, and Drainage Act 1924—shall be read as a reference to the Water Board Act 1987;

*Water Legislation (Repeal, Amendment and Savings) 1987*SCHEDULE 3—*continued*SAVINGS AND TRANSITIONAL PROVISIONS—*continued*

- (b) to the Hunter District Water, Sewerage and Drainage Act 1938, the Broken Hill Water and Sewerage Act 1938 or the Cobar Water Supply Act 1963 shall be read as a reference to the Water Supply Authorities Act 1987; or
- (c) to The Metropolitan Water Sewerage and Drainage Board—shall be read as a reference to the Water Board.

Continuation of existing Boards and areas of operations

2. (1) The Water Board constituted by the Water Board Act 1987 is a continuation of, and the same legal entity as, The Metropolitan Water Sewerage and Drainage Board constituted by the Metropolitan Water, Sewerage, and Drainage Act 1924.

(2) The Hunter District Water Board is a continuation of, and the same legal entity as, The Hunter District Water Board constituted by the Hunter District Water, Sewerage and Drainage Act 1938.

(3) The Broken Hill Water Board is a continuation of, and the same legal entity as, The Broken Hill Water Board constituted by the Broken Hill Water, Sewerage and Drainage Act 1938.

(4) The Cobar Water Board is a continuation of, and the same legal entity as, The Cobar Water Board constituted by the Cobar Water Supply Act 1963.

General Manager and Deputy General Manager of the Water Board

3. The person who, immediately before the appointed day, held office—

- (a) as General Manager of The Metropolitan Water Sewerage and Drainage Board—shall be deemed to have been appointed as Managing Director of the Water Board; or
- (b) as Deputy General Manager of The Metropolitan Water Sewerage and Drainage Board—shall be deemed to have been appointed as Deputy Managing Director of the Water Board,

on the same terms and conditions, and for the residue of the term of office, on and for which he or she had last been appointed as General Manager or Deputy General Manager.

Continuation in office of appointed members

4. A person who—

- (a) immediately before the appointed day, was a member of a body corporate constituted by a repealed Act and then continued by this Act; and
- (b) had been appointed to the office by the Governor,

shall be deemed to have been appointed by the Governor as a member of the body corporate continued by this Act and to have been so appointed on the same terms and conditions, and for the residue of the term of office, on and for which he or she had last been appointed as such a member.

Water Legislation (Repeal, Amendment and Savings) 1987

SCHEDULE 3—*continued*

SAVINGS AND TRANSITIONAL PROVISIONS—*continued*

Certain statutory instruments to continue in force

5. (1) If a by-law or regulation in force under a repealed Act immediately before the appointed day could have been made under the Principal Act if it had then been in force, the by-law or regulation continues in force on and after that day as if it were a regulation made under the Principal Act and may be varied or revoked by a regulation made under the Principal Act.

(2) For the purposes of subclause (1), a reference to a provision of a repealed Act in a by-law or regulation made under it shall be read as a reference to the corresponding provision of the Principal Act.

(3) A proclamation published in relation to an industrial undertaking under section 88 (4) of the Metropolitan Water, Sewerage, and Drainage Act 1924 and in force immediately before the appointed day continues in force on and after that day as if it were a proclamation declaring the undertaking to be an industrial undertaking for the purposes of Schedule 3 to the Water Board Act 1987.

Temporary continuation of provision of repealed Act

6. (1) This clause applies to a provision of a repealed Act the effect of which, but for this clause, would not be continued after the appointed day unless a regulation to the like effect could be made, and is made, under the Principal Act.

(2) A provision of a repealed Act to which this clause applies continues in force until a regulation to the like effect is made under the Principal Act.

(3) This clause ceases to have effect—

(a) on such day as may be appointed by the Governor and notified by proclamation published in the Gazette; or

(b) on the day that is 2 years later than the commencement of the Principal Act,

whichever is the earlier day.

Change of Principal under contract

7. (1) An Authority may serve on a Contractor a notice in writing stating that, on and from a date that is specified in the notice and is later than the date of service, the Minister for Public Works, or some other person specified in the notice, will be the Principal under a specified contract.

(2) On and from the date specified in a notice served under subclause (1)—

(a) the Minister for Public Works or other person specified becomes for all purposes the Principal under the contract to which the notice relates;

(b) anything done or omitted under the contract by the Authority or any of its predecessors shall be deemed to have been done or omitted by the Minister for Public Works or other person specified;

*Water Legislation (Repeal, Amendment and Savings) 1987*SCHEDULE 3—*continued*SAVINGS AND TRANSITIONAL PROVISIONS—*continued*

- (c) any legal proceedings instituted under the contract, and not finally determined, before that date by or against the Authority or any of its predecessors shall be deemed to be legal proceedings by or against the Minister for Public Works or other persons specified; and
- (d) any proceedings under the contract by way of arbitration between the Authority or any of its predecessors and another person that have not been finally determined before that date shall be deemed to be proceedings by way of arbitration between the Minister for Public Works and that other person.

(3) In this clause—

“Authority” means a Water Supply Authority or the Water Board;

“Contractor” means the party who is “the Contractor” within the meaning of a contract made with an Authority or any of its predecessors;

“Minister for Public Works” means the Minister of the Crown for the time being administering the Public Works Act 1912;

“Principal” means the party referred to in a contract with a Contractor as “the Principal”.

General

8. If anything done or commenced under a repealed Act before the appointed day and still having effect or not completed immediately before that day could have been done or commenced under the Principal Act if the Principal Act and this Act had been in force when the thing was done or commenced—

- (a) the thing done continues to have effect; or
- (b) the thing commenced may be completed,

as if it had been done or commenced under the Principal Act.

Effect of Interpretation Acts

9. This Act has effect in addition to, and does not derogate from, the operation of—

- (a) section 8 of the Interpretation Act 1897; or
- (b) section 30 of the Interpretation Act 1987.

Regulations

10. (1) The regulations under a Principal Act may contain other provisions of a savings or transitional nature consequent on the enactment of this Act.

(2) A provision referred to in subclause (1) may, if the regulations so provide, take effect from the appointed day or a later date.

Water Legislation (Repeal, Amendment and Savings) 1987

SCHEDULE 3—*continued*

SAVINGS AND TRANSITIONAL PROVISIONS—*continued*

(3) To the extent to which a provision referred to in subclause (1) takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as—

- (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication therein; or
- (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication therein.

(4) A provision referred to in subclause (1) shall, if the regulations so provide, have effect notwithstanding any other clause of this Schedule (clause 3 excepted).



