

**MISCELLANEOUS ACTS (FINANCIAL ACCOMMODATION)
AMENDMENT ACT, 1981, No. 83**

New South Wales



ANNO TRICESIMO

ELIZABETHÆ II REGINÆ

Act No. 83, 1981.

An Act to amend certain Acts as a consequence of the enactment of the Public Authorities (Financial Accommodation) Act, 1981. [Assented to, 9th June, 1981.]

Miscellaneous Acts (Financial Accommodation) Amendment.

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 "Miscellaneous Acts (Financial Accommodation) Amendment Act, 1981".

Commencement.

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

(2) Except as provided in subsection (1), this Act shall commence on the day appointed and notified under section 2 (2) of the Principal Act.

Principal Act.

3. The Public Authorities (Financial Accommodation) Act, 1981, is referred to in this Act as the Principal Act.

Amendment of certain Acts.

4. An Act specified in Schedule 1 is amended in the manner specified in that Schedule in relation to that Act.

Savings, etc.

5. Schedule 2 has effect.

Miscellaneous Acts (Financial Accommodation) Amendment.

SCHEDULE 1.

(Sec. 4.)

AMENDMENTS.

Albury-Wodonga Development Act, 1974—

- (1) (a) Section 3—
From the matter relating to Part VI, omit “32”, insert instead “30”.
- (b) Section 3—
Omit the matter relating to Schedule 5.
- (2) Sections 31, 32—
Omit the sections.
- (3) Schedule 5—
Omit the Schedule.

Broken Hill Water and Sewerage Act, 1938—

- (1) (a) Section 2—
From the matter relating to Part VI, omit “59” where firstly occurring, insert instead “75”.
- (b) Section 2—
Omit the matter relating to Division 1 of Part VI.
- (2) Part VI, Division 1—
Omit the Division.

Cobar Water Supply Act, 1963—

- Sections 27–35—
Omit the sections.

Electricity Commission Act, 1950—

- (1) Section 2—
Omit the matter relating to Division 2 of Part V.

Miscellaneous Acts (Financial Accommodation) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

- (2) Part V, Division 2—
Omit the Division.

Environmental Planning and Assessment Act, 1979—

- (1) Section 3—
From the matter relating to Division 3 of Part VII, omit “*ss.* 140–143”, insert instead “*s.* 143”.
- (2) Sections 140–142—
Omit the sections.
- (3) Schedule 6—
Omit the Schedule.

Fire Brigades Act, 1909—

- Section 17—
Omit the section.

Grain Elevators Act, 1954—

- (1) Section 2—
Omit the matter relating to Division 2 of Part V.
- (2) Part V, Division 2—
Omit the Division.

Growth Centres (Development Corporations) Act, 1974—

- Section 29A—
After section 29, insert:—
Sections 28 and 29 not applicable in certain cases.
29A. Sections 28 and 29 and Schedule 5 do not apply in relation to a corporation that is a public authority within the meaning of the Public Authorities (Financial Accommodation) Act, 1981.

Miscellaneous Acts (Financial Accommodation) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS—*continued.***Health Commission Act, 1972—**

Section 21A—

Omit the section.

Heritage Act, 1977—

(1) Section 3—

From the matter relating to Division 2 of Part VI, omit “111”, insert instead “108”.

(2) Sections 109–111—

Omit the sections.

Housing Act, 1941—

(1) Section 3—

Omit the matter relating to Division 3 of Part IV.

(2) Part IV, Division 3—

Omit the Division.

Hunter District Water, Sewerage and Drainage Act, 1938—

(1) (a) Section 2—

From the matter relating to Division 2 of Part V omit “ss. 73–89”, insert instead “s. 76”.

(b) Section 2—

Omit the matter relating to Division 6 of Part V.

(2) Sections 73–75—

Omit the sections.

Miscellaneous Acts (Financial Accommodation) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

- (3) Section 76 (3)–(6)—
Omit the subsections.
- (4) Sections 77–89—
Omit the sections.
- (5) Part V, Division 6—
Omit the Division.

Land Commission Act, 1976—

- (1) (a) Section 3—
From the matter relating to Part IV, omit “25”, insert instead “23”.
- (b) Section 3—
Omit the matter relating to Schedule 3.
- (2) Sections 24, 24A, 25—
Omit the sections.
- (3) Schedule 3—
Omit the Schedule.

Main Roads Act, 1924—

- (1) Section 2—
Omit the matter relating to Part VIIA, insert instead:—
PART VIIA.—RESERVES FOR LOAN REPAYMENT—s. 42C.
- (2) Section 10 (g1)—
Omit “Part VIIA”, insert instead “the Public Authorities (Financial Accommodation) Act, 1981,”.
- (3) (a) Section 12 (1)—
Omit “as elsewhere in this Act provided”.
- (b) Section 12 (1D)—
Omit “any agreement hereafter in this Act referred to in connection with”.

Miscellaneous Acts (Financial Accommodation) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS—*continued.*

- (4) Section 13 (4B)—
Omit “payable as and to the extent elsewhere provided in this Act”, insert instead “otherwise payable”.
- (5) Section 20 (1) (f1)—
Omit “Part VIIA”, insert instead “the Public Authorities (Financial Accommodation) Act, 1981.”.
- (6) (a) Section 21 (1)—
Omit “as elsewhere in this Act provided”.
- (b) Section 21 (1c)—
Omit “any agreement hereafter in this Act referred to in connection with”.
- (c) Section 21 (3A)—
Omit “elsewhere provided in this Act”, insert instead “otherwise provided”.
- (7) (a) Section 29 (2)—
Omit “as elsewhere in this Act provided”.
- (b) Section 29 (3)—
Omit “elsewhere provided in this Act”, insert instead “otherwise provided”.
- (8) Sections 42A, 42B—
Omit the sections.
- (9) Section 42C (3)–(7)—
Omit the subsections.
- (10) Sections 42D–42M—
Omit the sections.

Maritime Services Act, 1935—

- (1) (a) Section 24c (1) (i)—
Omit “section 24k;”, insert instead “the Public Authorities (Financial Accommodation) Act, 1981.”.
- (b) Section 24c (1) (j)—
Omit the paragraph.

Miscellaneous Acts (Financial Accommodation) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

(2) Sections 24J-24R—

Omit the sections.

Meat Industry Act, 1978—

(1) Section 3—

Omit the matter relating to Schedule 5.

(2) Sections 64, 65—

Omit the sections.

(3) Schedule 5—

Omit the Schedule.

Metropolitan Water, Sewerage, and Drainage Act, 1924—

(1) (a) Section 3—

From the matter relating to Division 2 of Part V, omit “ss. 71-86”, insert instead “s. 75”.

(b) Section 3—

Omit the matter relating to Division 6 of Part V.

(2) Section 70 (3)—

Omit the subsection.

(3) Sections 71-74—

Omit the sections.

(4) Section 75 (3)-(6)—

Omit the subsections.

(5) Sections 76-86—

Omit the sections.

(6) Part V, Division 6—

Omit the Division.

Miscellaneous Acts (Financial Accommodation) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

New South Wales Film Corporation Act, 1977—

(1) Sections 24, 25—

Omit the sections.

(2) Schedule 4—

Omit the Schedule.

Public Hospitals Act, 1929—

(1) (a) Section 37 (1)—

Omit “board of a hospital”, insert instead “governing authority of an institution specified in the Third Schedule”.

(b) Section 37 (1)—

Omit “the hospital” wherever occurring, insert instead “the institution”.

(c) Section 37 (2)—

Omit “to a board”, insert instead “under subsection (1)”.

(d) Section 37 (3)—

Omit “by a board”, insert instead “under subsection (1)”.

(e) Section 37 (3A)—

Omit “hospital” wherever occurring, insert instead “institution”.

(f) Section 37 (4)—

Omit “hospital”, insert instead “institution”.

(g) Section 37 (5)—

Omit “In this section the expressions ‘board of a hospital’ and ‘board’ include the governing authority of any institution the name of which is included in the Third Schedule and the expression ‘hospital’ includes any such institution.”.

(h) Section 37 (6)—

Omit “a board of a hospital or”.

(i) Section 37 (6)—

Omit “hospital or” where secondly occurring.

Miscellaneous Acts (Financial Accommodation) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

- (2) (a) Section 37A (1)—
Omit “board of a hospital”, insert instead “governing authority of an institution”.
- (b) Section 37A (1)—
Omit “hospital”, insert instead “institution”.
- (c) Section 37A (2)—
Omit the subsection.

Public Servant Housing Authority Act, 1975—

- Sections 22–31—
Omit the sections.

State Development and Country Industries Assistance Act, 1966—

- (1) Section 2—
From the matter relating to Division 2 of Part III, omit “ss. 12–19”, insert instead “s. 12”.
- (2) Section 12 (1) (c)—
Omit “under this Division”.
- (3) Sections 13–19—
Omit the sections.

Sydney Cove Redevelopment Authority Act, 1968—

- (1) Section 2—
From the matter relating to Part VI, omit “42”, insert instead “33”.
- (2) Sections 34–42—
Omit the sections.

Miscellaneous Acts (Financial Accommodation) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS—*continued.*

Sydney Farm Produce Market Authority Act, 1968—

(1) Section 2—

From the matter relating to Part V, omit “33”, insert instead “25”.

(2) Sections 26–33—

Omit the sections.

Teacher Housing Authority Act, 1975—

Sections 24–33—

Omit the sections.

Tourist Industry Development Act, 1976—

Sections 8–14—

Omit the sections.

Transport Authorities Act, 1980—

(1) Section 3—

Omit the matter relating to Schedule 6.

(2) Section 65—

Omit “and other financial accommodation obtained pursuant to this Act”, insert instead “obtained pursuant to this Act, or any other Act, whether within Australia or elsewhere”.

(3) Sections 69–71—

Omit the sections.

(4) Schedule 6—

Omit the Schedule.

Miscellaneous Acts (Financial Accommodation) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

Waste Disposal Act, 1970—

(1) Section 2—

From the matter relating to Part VI omit “42”, insert instead “33”.

(2) Sections 34–42—

Omit the sections.

Wild Dog Destruction Act, 1921—

(1) Section 1A—

Omit the matter relating to Division 4 of Part IV.

(2) Part IV, Division 4—

Omit the Division.

SCHEDULE 2.

(Sec. 5.)

SAVINGS AND TRANSITIONAL PROVISIONS.

Interpretation.

1. (1) In this Schedule “repealed provision” means a provision amended by section 4.

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

Application of the Principal Act to existing financial accommodation.

2. (1) Where financial accommodation obtained by an authority at any time before the appointed day—

(a) could have been obtained under the Principal Act if that Act had been in force at that time; and

Miscellaneous Acts (Financial Accommodation) Amendment.

SCHEDULE 2—*continued.*SAVINGS AND TRANSITIONAL PROVISIONS—*continued.*

(b) had not, immediately before that day, been repaid or otherwise satisfied, the Principal Act applies to and in respect of the financial accommodation as if the financial accommodation had been duly obtained thereunder.

(2) Subclause (1) (a) of this clause has effect as if section 4 (3) of the Principal Act had not been enacted.

Reserve for loan repayment.

3. All amounts that, immediately before the appointed day, formed a reserve for loan repayment fund established by an authority shall, on that day, be transferred to the fund of the authority.

Guarantees to continue.

4. (1) A guarantee by the Government given by or under a repealed provision and in force immediately before the appointed day continues in force on and after that day as if—

- (a) in the case of a guarantee given by a repealed provision—it had been guaranteed by a provision of the Principal Act; or
- (b) in the case of a guarantee given pursuant to a power conferred, or a duty imposed, by a repealed provision—it had been given pursuant to a power conferred, or a duty imposed, by the Principal Act.

(2) Part VI of the Principal Act, sections 19 and 20 excepted, does not apply in respect of a guarantee continued in force under subclause (1) of this clause.

Certain payments to be made.

5. Where, under a repealed provision, the Government was, in relation to any financial accommodation, authorised to agree to make a payment that an authority is, by the law of New South Wales, precluded from making, the financial accommodation shall, on and after the appointed day, be deemed to be financial accommodation referred to in section 19 of the Principal Act.

Miscellaneous Acts (Financial Accommodation) Amendment.

SCHEDULE 2—*continued.*SAVINGS AND TRANSITIONAL PROVISIONS—*continued.***Execution of securities, etc.**

6. Where, immediately before the appointed day, there was in force a notification to the like effect of a notification referred to in clause 4 (2) of Schedule 2 to the Principal Act, the notification shall, on and after the appointed day, be deemed to be a notification referred to in that clause.

Evidence.

7. Where, under a repealed provision, a notification published in the Gazette was evidence, or conclusive evidence, of any fact, matter or thing, the notification continues on and after the appointed day to be evidence or, as the case may be, conclusive evidence, of that fact, matter or thing.

Security.

8. Where, immediately before the appointed day, the repayment of financial accommodation obtained by an authority before that day, and the payment of any interest or other charge relating thereto—

- (a) was charged on the income and revenue of the authority—the repayment of the financial accommodation, and the payment of any interest or other charge relating thereto, continues to be so charged on and after that day; or
- (b) was charged on a reserve for loan repayment fund established by the authority under a repealed provision—the repayment of the financial accommodation, and the payment of any interest or other charge relating thereto, is a charge upon the fund of the authority.

Saving of certain rights, etc.

9. Where, in relation to financial accommodation obtained by an authority before the appointed day, any right, remedy or priority was conferred by a repealed provision and, but for this clause, could not be enforced or exercised on or after the appointed day, the right or remedy may be enforced or exercised, and the priority continues, on and after that day in relation to that financial accommodation as if the provision had not been amended by this Act.

Miscellaneous Acts (Financial Accommodation) Amendment.

SCHEDULE 2—*continued.*SAVINGS AND TRANSITIONAL PROVISIONS—*continued.***Incomplete arrangements.**

10. Where action to obtain financial accommodation pursuant to a repealed provision was instituted, but had not been completed, by an authority before the appointed day—

- (a) the action may be completed as if this Act had not been enacted; and
- (b) the financial accommodation shall, for the purposes of this Act and the Principal Act, be deemed to have been obtained before the appointed day.

Regulations.

11. To the extent to which, but for this clause, a regulation made in relation to an authority under an Act specified in Schedule 1 would, by the operation of this Act, cease to have effect, the regulation remains in force until inconsistent regulations affecting that authority and made under the Principal Act come into force whereupon, to the extent of the inconsistency, the regulations under the Principal Act prevail.

Act No. 4, 1897.

12. This Act does not affect any savings made by the Interpretation Act, 1897.
