

# **DRAINAGE (AMENDMENT) ACT 1986 No. 201**

NEW SOUTH WALES



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**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*

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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 "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.

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*Drainage (Amendment) 1986*

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## 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”.

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*

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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”.
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