

**MISCELLANEOUS ACTS (SYDNEY HARBOUR TUNNEL)
REPEAL AND AMENDMENT ACT 1987 No. 51**

NEW SOUTH WALES



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**MISCELLANEOUS ACTS (SYDNEY HARBOUR TUNNEL) REPEAL
AND AMENDMENT ACT 1987 No. 51**

NEW SOUTH WALES



Act No. 51, 1987

An Act to repeal the Sydney Harbour Bridge (Administration) Act 1932 and certain other enactments; to amend certain enactments as a consequence of the enactment of the Sydney Harbour Tunnel (Private Joint Venture) Act 1987 and the repeal of the Sydney Harbour Bridge (Administration) Act 1932; and to enact savings, transitional and other provisions. [Assented to 28 May 1987]

Miscellaneous Acts (Sydney Harbour Tunnel) Repeal and Amendment 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 "Miscellaneous Acts (Sydney Harbour Tunnel) Repeal and Amendment Act 1987".

Commencement

2. (1) Except as provided by subsection (2), this Act shall commence on the date of assent to this Act.

(2) Item (1) of the provisions of Schedule 1 relating to the Capital Debt Charges Act 1957, and section 4 in its application to that item, shall be deemed to have commenced on 21 May 1986.

Repeals

3. The Sydney Harbour Bridge (Administration) Act 1932 and the Sydney Harbour Bridge (Administration) Amendment Act 1986 are repealed.

Amendments

4. Each Act specified in Schedule 1 is amended in the manner set forth in that Schedule.

Savings, transitional and other provisions

5. Schedule 2 has effect.

SCHEDULE 1

(Sec. 4)

AMENDMENTS

Capital Debt Charges Act 1957 No. 1—

(1) Schedule—

From the third column, omit "Main Roads Act, 1924, as amended.", insert instead "State Roads Act 1986."

*Miscellaneous Acts (Sydney Harbour Tunnel) Repeal and Amendment 1987*SCHEDULE 1—*continued*
AMENDMENTS—*continued*

(2) Schedule—

From the first, second and third columns, omit the matter relating to the Sydney Harbour Bridge (Administration) Act 1932.

Clean Air Act 1961 No. 69—

Schedule—

In clause 1 of the Schedule, insert, in appropriate alphabetical order:

Tunnelling works and ancillary works within the meaning of the Sydney Harbour Tunnel (Private Joint Venture) Act 1987.

Justices Act 1902 No. 27—

Section 100i (1), definition of “penalty notice”—

In paragraph (a) of the definition, insert, in appropriate alphabetical order:

State Roads Act 1986, section 100B (1);

Noise Control Act 1975 No. 35—

Schedule, item 4—

After item 3, insert:

4. The tunnelling site and the ancillary sites within the meaning of the Sydney Harbour Tunnel (Private Joint Venture) Act 1987.

Traffic Authority Act 1976 No. 32—

(1) Section 23 (d)—

Omit the paragraph, insert instead:

(d) such amounts from the tolls and charges received under section 35 of the State Roads Act 1986 in connection with the Sydney Harbour Bridge as are sufficient to recoup the payments made from the Fund in the administration of this Act in relation to the Sydney Harbour Bridge;

(2) Section 30 (6)—

Omit the subsection.

(3) Schedule 6—

Omit the Schedule.

*Miscellaneous Acts (Sydney Harbour Tunnel) Repeal and Amendment 1987*SCHEDULE 1—*continued*AMENDMENTS—*continued***Transport Authorities Act 1980 No. 103—**

(1) Section 12 (3)—

After section 12 (2), insert:

(3) Without limiting the generality of subsection (1), the State Rail Authority shall maintain in good order and condition and, when necessary, renew—

(a) the railway tracks; and

(b) all electrical and signalling equipment, and all other material, works and structures, that are used exclusively for railway purposes,

situated on the Sydney Harbour Bridge.

(2) Section 74 (4) (a)—

Omit "appeal", insert instead "offence".

 SCHEDULE 2

(Sec. 5)

SAVINGS, TRANSITIONAL AND OTHER PROVISIONS

Interpretation

1. In this Schedule—

"Metropolitan Roads Fund" means the fund established under section 74 of the State Roads Act 1986;

"repealed Act" means the *Sydney Harbour Bridge (Administration) Act 1932*;

"Sydney Harbour Bridge Account" means the account established under section 7 of the repealed Act.

Sydney Harbour Bridge Account

2. (1) The amount standing to the credit of the Sydney Harbour Bridge Account immediately before the date of assent to this Act shall be transferred to the Metropolitan Roads Fund.

(2) The amount standing to the credit of the reserve for loan repayment in the Sydney Harbour Bridge Account immediately before the date of assent to this Act shall be transferred to the reserve for loan repayment in the Metropolitan Roads Fund.

Miscellaneous Acts (Sydney Harbour Tunnel) Repeal and Amendment 1987

SCHEDULE 2—*continued*

SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued*

Regulations under the repealed Act

3. (1) Except as provided by subclause (2), any regulations in force under the repealed Act immediately before the date of assent to this Act shall be deemed to be regulations made under the State Roads Act 1986, as amended by the State Roads (Sydney Harbour Tunnel) Amendment Act 1987.

(2) Any regulation in force under the repealed Act by which a toll or charge is fixed in respect of travelling across the Sydney Harbour Bridge shall be deemed to be an order made in accordance with section 35 of the State Roads Act 1986, as amended by the State Roads (Sydney Harbour Tunnel) Amendment Act 1987.

Savings and transitional regulations

4. (1) The Governor may make regulations containing 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 on and from the date of assent to this Act or a later date.

(3) To the extent to which a provision referred to in subclause (1) takes effect on and 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 in the Gazette; or
- (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of any thing done or omitted to be done before the date of its publication in the Gazette.

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