



Catchment Management Authorities Amendment Order 2012

under the

Catchment Management Authorities Act 2003

I, the Minister for Primary Industries, in pursuance of section 11 of the *Catchment Management Authorities Act 2003*, make the following Order.

Dated, this 12th day of October 2012.

KATRINA HODGKINSON, MP
Minister for Primary Industries

2012 No 530

Clause 1 Catchment Management Authorities Amendment Order 2012

Catchment Management Authorities Amendment Order 2012

under the

Catchment Management Authorities Act 2003

1 Name of Order

This Order is the *Catchment Management Authorities Amendment Order 2012*.

2 Commencement

This Order commences on the day on which it is published on the NSW legislation website.

Schedule 1 Amendment of Catchment Management Authorities Act 2003 No 104

[1] Schedule 1 List of catchment management authorities

Omit the following from Schedule 1:

Lower Murray-Darling Catchment Management Authority

Sydney Metropolitan Catchment Management Authority

[2] Schedule 2 Areas of operations of authorities

Omit the Schedule. Insert instead:

Schedule 2 Areas of operations of authorities

(Section 7)

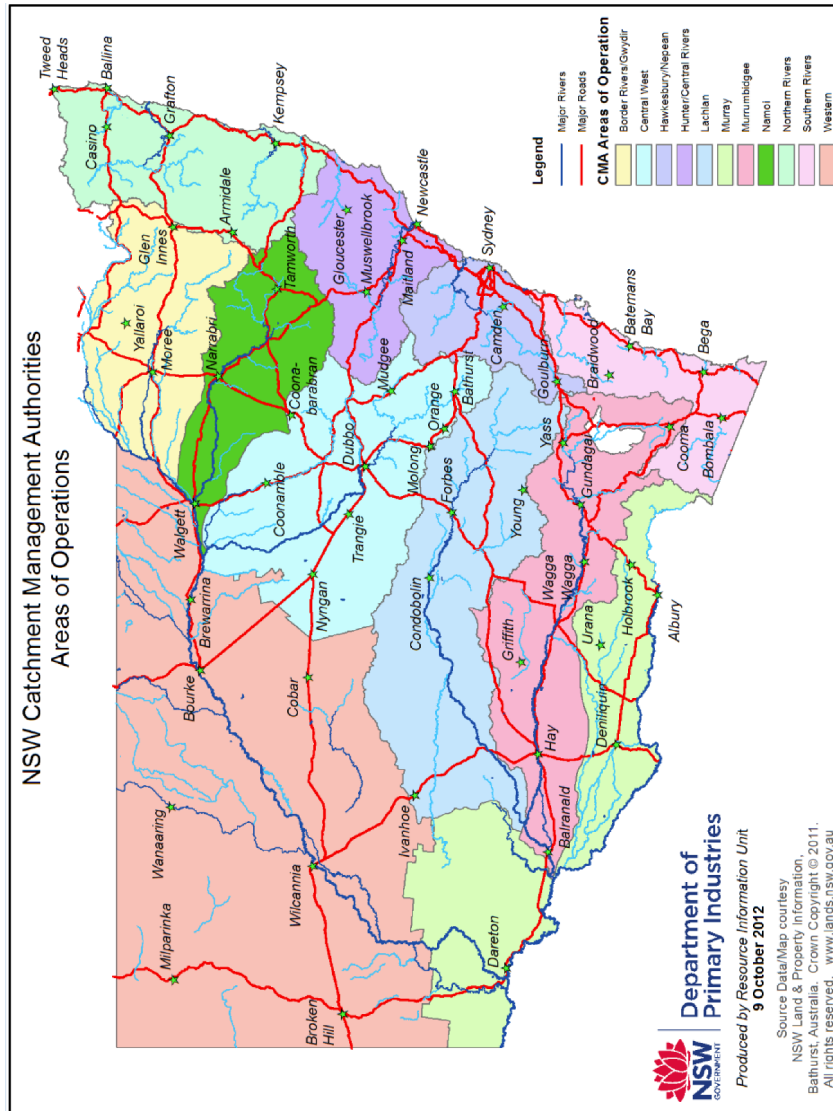
The area of operations of an authority is the area shown for that authority on the map marked “NSW Catchment Management Authorities—Areas of Operations” dated 9 October 2012, copies of which are deposited in the head office of the authority and the Department of Trade and Investment, Regional Infrastructure and Services.

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Schedule 1 Amendment of Catchment Management Authorities Act 2003 No 104

Note. General map of areas of operations of authorities.



Schedule 2 Abolition of authorities—savings and transitional provisions

1 Abolition of authorities

- (1) The following authorities are abolished:
 - (a) Lower Murray-Darling Catchment Management Authority,
 - (b) Sydney Metropolitan Catchment Management Authority.
- (2) Any person holding office as a member of a board of one of those authorities immediately before the commencement of this Order:
 - (a) ceases to hold office as such a member, and
 - (b) is not entitled to any compensation because of that loss of office.

2 Transfer of assets, rights and liabilities of abolished authorities

- (1) On the abolition of the Lower Murray-Darling Catchment Management Authority, the assets, rights and liabilities of that authority are transferred to the Western Catchment Management Authority and the Murray Catchment Management Authority (as joint assets, rights and liabilities).
- (2) On the abolition of the Sydney Metropolitan Catchment Management Authority, the assets, rights and liabilities of that authority are transferred to the Hawkesbury-Nepean Catchment Management Authority.
- (3) The Minister may, by order in writing, transfer any joint asset, right or liability of the Western Catchment Management Authority and the Murray Catchment Management Authority to one of those authorities (so that it ceases to be a joint asset, right or liability).
- (4) In this Schedule, the authority from which any assets, rights or liabilities are transferred is the *transferor* and the authority to which they are transferred is the *transferee*.

3 Effect of transfer of assets, rights and liabilities of abolished authorities

- (1) The following provisions have effect in relation to a transfer by or under this Schedule of any asset, right or liability:
 - (a) the asset vests in the transferee by virtue of this Schedule and without the need for any transfer, conveyance or assignment,
 - (b) the right or liability becomes by virtue of this Schedule the right or liability of the transferee,
 - (c) all proceedings relating to the asset, right or liability commenced before the transfer by or against the transferor pending

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- immediately before the transfer are taken to be proceedings pending by or against the transferee,
- (d) any act, matter or thing done or omitted to be done in relation to the asset, right or liability before the transfer by, to or in respect of the transferor is (to the extent that the act, matter or thing has any force or effect) taken to have been done or omitted by, to or in respect of the transferee,
 - (e) the transferee has all the entitlements and obligations of the transferor in relation to those assets, rights and liabilities that the transferor would have had but for the transfer, whether or not those entitlements and obligations were actual or potential at the time the transfer took effect,
 - (f) a reference in any instrument made under any Act or in any document of any kind to the transferor is (to the extent that it relates to the asset, right or liability, but subject to this clause) to be read as, or as including, a reference to the transferee.
- (2) The operation of this Schedule is not to be regarded:
- (a) as a breach of contract or confidence or otherwise as a civil wrong, or
 - (b) as a breach of any contractual provision prohibiting, restricting or regulating the assignment or transfer of assets, rights or liabilities, or
 - (c) as giving rise to any remedy by a party to a contract or instrument, or as causing or permitting the termination of any contract or instrument, because of a change in the beneficial or legal ownership of any asset, right or liability, or
 - (d) as an event of default under any contract or instrument.
- (3) No attornment to the transferee by a lessee from the transferor is required.

4 Definitions

In this Schedule:

assets means any legal or equitable estate or interest (whether present or future, whether vested or contingent and whether personal or assignable) in real or personal property of any description (including money), and includes securities, choses in action and documents.

liabilities means any liabilities, debts or obligations (whether present or future, whether vested or contingent and whether personal or assignable).

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Abolition of authorities—savings and transitional provisions

Schedule 2

rights means any rights, powers, privileges or immunities (whether present or future, whether vested or contingent and whether personal or assignable).