



New South Wales

Water Management (General) Amendment (Anabranh Water Trust) Regulation 2017

under the

Water Management Act 2000

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Water Management Act 2000*.

NIALL BLAIR, MLC
Minister for Regional Water

Explanatory note

The object of this Regulation is to provide for the winding up of the Anabranh Water Trust, a private water trust constituted under provisions of the *Water Act 1912* that are now repealed. The Trust's assets, rights and liabilities are transferred to the Anabranh Private Irrigation District.

The Regulation also extends until 30 June 2020 an exemption that applies to the board of management of the Anabranh Private Irrigation District in relation to the taking over of water supply works within the district.

This Regulation is made under the *Water Management Act 2000*, including sections 238 (4) and 400 (the general regulation-making power).

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1 Name of Regulation

This Regulation is the *Water Management (General) Amendment (Anabranh Water Trust) Regulation 2017*.

2 Commencement

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

Schedule 1 Amendment of Water Management (General) Regulation 2011

[1] **Clause 226C Exemptions relating to taking over works—Anabranh Water**

Omit “30 June 2017” from clause 226C (1). Insert instead “30 June 2020”.

[2] **Schedule 9 Savings, transitional and other provisions**

Insert at the end of the Schedule:

Part 7 Provisions relating to the winding up of Anabranh Water Trust

23 Winding up of Anabranh Water Trust

- (1) The Trust is wound up in accordance with this clause.
Note. Under section 238 (5) of the Act, the Governor may abolish the Trust if satisfied that the winding up of the Trust has been completed.
- (2) For the purposes of the winding up of the Trust, the assets, rights and liabilities of the Trust are transferred to the Anabranh Private Irrigation District.
- (3) The following provisions have effect with respect to the transfer:
 - (a) the assets of the Trust vest in the Anabranh Private Irrigation District by virtue of this clause and without the need for any conveyance, transfer, assignment or assurance,
 - (b) the rights and liabilities of the Trust become by virtue of this clause the rights and liabilities of the Anabranh Private Irrigation District,
 - (c) all proceedings relating to the assets, rights or liabilities commenced before the transfer by or on behalf of, or against, the Trust and pending immediately before the transfer are taken to be proceedings pending by or against the Anabranh Private Irrigation District,
 - (d) any act, matter or thing done or omitted to be done in relation to the assets, rights or liabilities before the transfer by, to or in respect of the Trust is (to the extent to which that act, matter or thing has any force or effect) taken to have been done or omitted by, to or in respect of the Anabranh Private Irrigation District,
 - (e) a reference in any instrument to the Trust is (to the extent that it relates to those assets, rights or liabilities), to be read as, or as including, a reference to the Anabranh Private Irrigation District.
- (4) The operation of this clause 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 an instrument, or as causing or permitting the termination of any 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 other instrument.
- (5) In this clause:
Anabranh Private Irrigation District means the Great Anabranh of the Darling River Private Water Supply and Irrigation District, being the private irrigation district of that name constituted under Part 2 of Chapter 4 of the Act.

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

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

Trust means the Great Anabranh of the Darling River Water Trust (also known as the Anabranh Water Trust), being the trust of that name constituted under Part 3 of the former 1912 Act.