TASMANIA

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BEN LOMOND SKIFIELD MANAGEMENT AUTHORITY (REPEAL) BILL 2007

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A BILL FOR

An Act to repeal the Ben Lomond Skifield Management Authority Act 1995

Be it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

1. Short title

This Act may be cited as the Ben Lomond Skifield Management Authority (Repeal) Act 2007.

2. Commencement

This Act commences on the day on which this Act receives the Royal Assent.

3. Administration of Act

Until provision is made in relation to this Act by order under section 4 of the Administrative Arrangements Act 1990 –
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(a) the administration of this Act is assigned to the Minister for Tourism, Arts and the Environment; and

(b) the department responsible to that Minister in relation to the administration of this Act is the Department of Tourism, Arts and the Environment.

4. Savings and transitional provisions

Schedule 1 has effect.

5. Legislation repealed

The legislation specified in Schedule 2 is repealed.

6. Legislation rescinded

The legislation specified in Schedule 3 is rescinded.
SCHEDULE 1 – SAVINGS AND TRANSITIONAL PROVISIONS

Section 4

1. Interpretation

In this Schedule –

“Authority” means the Ben Lomond Skifield Management Authority in existence immediately before the commencement day;

“commencement day” means the day on which this Act commences;

“repealed Act” means the Ben Lomond Skifield Management Authority Act 1995.

2. Assets and liabilities of Authority

(1) On the commencement day –

(a) the assets of the Authority are, by virtue of this clause, vested in the Crown on the same terms and conditions as they were vested in the Authority; and

(b) all rights, obligations and liabilities of the Authority which were subsisting immediately before that day are transferred to the Crown.

(2) Any instrument made for the purposes of subclause (1) is exempt from stamp duty and
may be filed, recorded or registered without payment of any fee.

3. **Leases and licences, &c.**

On the commencement day, a lease or licence granted under the repealed Act –

(a) is taken to be a lease or licence granted under the *National Parks and Reserves Management Act 2002*; and

(b) is subject to the same terms and conditions as it was subject to under the repealed Act; and

(c) continues in force for the remainder of the period for which it was granted or renewed.

4. **Contracts and agreements**

On the commencement day, a contract, agreement or arrangement entered into by the Authority under the repealed Act –

(a) is taken to have been entered into by the Crown; and

(b) is subject to the same terms and conditions as it was subject to under the repealed Act; and

(c) continues in force for the remainder of the period for which it was granted.
5. **References to Authority**

On and from the commencement day a reference to the Authority in –

(a) a written law; or

(b) a contract, award or other instrument to which the Authority was a party –

is to be construed as a reference to the Crown.

6. **Legal proceedings**

(1) Any legal or other proceedings which may, before the commencement day, have been instituted or continued by or against the Authority may, on and after that day, be instituted or continued by or against the Crown.

(2) On the commencement day –

(a) a judgment or order of a court obtained by or against the Authority may be enforced by or against the Crown; and

(b) a document addressed to and purporting to be served on the Authority is taken to be served on the Crown.

7. **Acts, &c., done by or to the Authority**

All acts, matters and things done or omitted to be done by, or done or suffered in relation to, the Authority before the commencement day have,
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on that day, the same force and effect as if they had been done or omitted to be done by, or done or suffered in relation to, the Crown.
SCHEDULE 2 – LEGISLATION REPEALED

Section 5

Ben Lomond Skifield Management Authority Act 1995 (No. 7 of 1995)
SCHEDULE 3 – LEGISLATION RESCINDED

Section 6

Ben Lomond Skifield Management Authority Regulations 2000
(No. 107 of 2000)