TASMANIA

HISTORIC CULTURAL HERITAGE AMENDMENT (VALIDATION) BILL 2014

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HISTORIC CULTURAL HERITAGE AMENDMENT (VALIDATION) BILL 2014

(Brought in by the Minister for Environment, Parks and Heritage, the Honourable Matthew Guy Groom)

A BILL FOR

An Act to amend the Historic Cultural Heritage 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 Historic Cultural Heritage Amendment (Validation) Act 2014.

2. Commencement

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

3. Principal Act

   In this Act, the Historic Cultural Heritage Act 1995* is referred to as the Principal Act.

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*No. 117 of 1995
Historic Cultural Heritage Amendment (Validation) Act 2014
Act No. of

s. 4

4. **Section 46 inserted**

After section 45 of the Principal Act, the following section is inserted in Part 6:

46. **Applications made before commencement of Historic Cultural Heritage Amendment Act 2013**

(1) In this section –

*former Act* means this Act as in force at any time before the Part 6 substitution day;

*former Part 6* means Part 6 of this Act as in force at any time before the Part 6 substitution day;

*interim period* means the period –

(a) beginning on the Part 6 substitution day; and

(b) ending immediately before the validation Act commencement day;

*interim period approval* means –

(a) an approval that –

(i) was, during the interim period, purportedly given, under the former Part 6, in relation
(ii) would have been valid if the former Part 6 had applied (other than by virtue of this section), in relation to the surviving application, during the interim period; or

(b) if the former Part 6 had applied (other than by virtue of this section), before the validation Act commencement day, in relation to a surviving application, an approval that would have been taken to have been given under section 42 of this Act, as in force immediately before the Part 6 substitution day, in relation to the surviving application;

**Part 6 substitution day** means the day on which section 22 of the *Historic Cultural Heritage Amendment Act 2013* commenced;
surviving application means an application that –

(a) was lodged under section 32 of this Act as in force at any time before the Part 6 substitution day; and

(b) was not, before the Part 6 substitution day –

(i) approved under the former Act; or

(ii) taken to be approved under the former Act; or

(iii) refused under the former Act; or

(iv) withdrawn;

validation Act commencement day means the day on which the Historic Cultural Heritage Amendment (Validation) Act 2014 commences.

(2) Part 6 of this Act, as in force immediately before the Part 6 substitution day, is to be taken to have been in force in the interim period, and is to be taken to be in force after the validation Act commencement day, in relation to –
(a) a surviving application; and

(b) an interim period approval; and

(c) an approval given, in relation to a surviving application, under Part 6 of the Act as applied by virtue of this subsection –

until the application, interim period approval, or approval, respectively, ceases to be in force under Part 6 of the Act as applied by virtue of this section.

5. Repeal of Act

This Act is repealed on the three hundred and sixty fifth day from the day on which it commences.