

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.

*No. 117 of 1995

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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

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to a surviving
application; and

(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;

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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 –

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- (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.