

TASMANIA

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**TASMANIAN EARLY YEARS FOUNDATION  
(WINDING-UP) BILL 2016**

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# **TASMANIAN EARLY YEARS FOUNDATION (WINDING-UP) BILL 2016**

This Public Bill originated in the House of Assembly, and, having this day passed, is now ready for presentation to the Legislative Council for its concurrence.

SHANE DONNELLY, *Clerk of the House*  
25 August 2016

*(Brought in by the Minister for Education and Training, the  
Honourable Jeremy Page Rockliff)*

## **A BILL FOR**

### **An Act to provide for the winding-up of the Tasmanian Early Years Foundation and for related matters**

Be it enacted by Her 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 *Tasmanian Early Years Foundation (Winding-up) Act 2016*.

#### **2. Commencement**

This Act commences on a day to be proclaimed.

#### **3. Interpretation**

In this Act, unless the contrary intention appears –

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***commencement day*** means the day on which this Act commences;

***Foundation*** means the Tasmanian Early Years Foundation established under section 4 of the repealed Act;

***repealed Act*** means the *Tasmanian Early Years Foundation Act 2005*;

***State tax*** means any of the following imposed by an Act or law of this State:

- (a) a fee;
- (b) a tax or duty;
- (c) a charge;
- (d) any other impost.

#### **4. Dissolution of Foundation**

On the commencement day, the Foundation is dissolved.

#### **5. Transfer of assets and liabilities**

- (1) On the commencement day –
  - (a) the assets of the Foundation vest in the Crown; and
  - (b) the liabilities of the Foundation become the liabilities of the Crown.

- (2) State tax is not payable in respect of any document prepared, or transfer or transaction done, to give effect to subsection (1).

## **6. Construction of documents**

- (1) In this section –

*document* means a document, or part of a document, that –

- (a) was in force immediately before the commencement day; and
  - (b) contains a reference to the Tasmanian Early Years Foundation; and
  - (c) relates to an asset or liability of the Tasmanian Early Years Foundation.
- (2) Unless the context or subject matter of a document otherwise requires, on and after the commencement day a reference in the document to the Tasmanian Early Years Foundation is taken to be or to include a reference to the Crown.

## **7. Legal proceedings and related matters**

On and after the commencement day –

- (a) any legal or other proceeding instituted by or against the Foundation before, and pending on, the commencement day may

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be continued by or against the Crown;  
and

- (b) any legal or other proceeding that could have been instituted by or against the Foundation to enforce an obligation that was required to be performed, or a right that had accrued, before the commencement day may be instituted by or against the Crown; and
- (c) any judgment or order of a court obtained before the commencement day by or against the Foundation and not executed or satisfied before the commencement day may be enforced by or against the Crown; and
- (d) a document relating to any legal or other proceeding that has been served on or by the Foundation is taken, where appropriate, to have been served on or by the Crown.

## **8. Tax exemption**

Instruments to which the Crown is a party by virtue of this Act, and the Crown, in so far as it may, but for this section, be liable to any State tax in relation to a matter to which this Act relates, are not liable to any State tax.

**9. Annual reports**

- (1) The report prepared under section 27 of the *Financial Management and Audit Act 1990* in relation to the Department for the financial year in which this Act commences is to contain the relevant information, required under that section to be contained in the report, in relation to the Foundation.
- (2) The annual report submitted under section 36 of the *State Service Act 2000* in relation to the Department for the financial year in which this Act commences is to contain the relevant information, required under that section to be contained in the report, in relation to the Foundation.

**10. Administration of Act**

Until provision is made in relation to this Act by order under section 4 of the *Administrative Arrangements Act 1990* –

- (a) the administration of this Act is assigned to the Premier; and
- (b) the department responsible to the Premier in relation to the administration of this Act is the Department of Premier and Cabinet.

**11. Legislation repealed**

The legislation specified in Schedule 1 is repealed.

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**SCHEDULE 1 – LEGISLATION REPEALED**

Section 11

*Tasmanian Early Years Foundation Act 2005* (No. 54 of 2005)