

TASMANIA

**TASMANIAN INTERNATIONAL VELODROME
MANAGEMENT AUTHORITY (WINDING-UP)
BILL 2006**

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**TASMANIAN INTERNATIONAL VELODROME
MANAGEMENT AUTHORITY (WINDING-UP)
BILL 2006**

*(Brought in by the Minister for Community Development, the
Honourable Michelle Anne O'Byrne)*

A BILL FOR

**An Act to wind up the Tasmanian International
Velodrome Management Authority, repeal the *Tasmanian
International Velodrome Management Authority Act 1984*
and consequentially amend the *Government Business
Enterprises Act 1995* and for related purposes**

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 *Tasmanian
International Velodrome Management Authority
(Winding-up) Act 2006*.

2. Commencement

- (1) Sections 1, 3, 4, 5, 6, 11 and 12 and this section
commence on the day on which this Act receives
the Royal Assent, but if this Act does not receive
the Royal Assent by 30 December 2006 those
sections are taken to have commenced on 30
December 2006.

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- (2) The remaining provisions of this Act commence on a day to be proclaimed.

3. Interpretation

In this Act, unless the contrary intention appears –

“**asset**” includes any, and any part of any, property, business, operation and right;

“**Authority**” means the Tasmanian International Velodrome Management Authority established by the Repealed Act;

“**Board**” means the Board of Directors of the Authority established under the *Government Business Enterprises Act 1995*;

“**Board member**” means the chairperson of the Board, or other director of the Board, appointed under section 11 of the *Government Business Enterprises Act 1995* who holds that office on 2 January 2007;

“**chief executive officer**” means the chief executive officer of the Authority appointed under section 18(2) of the *Government Business Enterprises Act 1995* who holds that office on 31 December 2006;

“liability” includes any, or any part of any, liability, duty and obligation, whether actual, contingent or prospective;

“operations manager” means the operations manager of the Authority appointed under section 21(1) of the *Government Business Enterprises Act 1995* for the period of 3 years commencing on 1 July 2004;

“repeal day” means the day fixed by proclamation under section 2(2);

“Repealed Act” means the *Tasmanian International Velodrome Management Authority Act 1984* as in force immediately before the wind-up day;

“Secretary” means the Secretary of the responsible Department in relation to the *Tasmanian Development Act 1983* or his or her nominee;

“wind-up day” means the day before the day fixed by proclamation under section 2(2).

4. Extension of appointment of Board member

The appointment under section 11 of the *Government Business Enterprises Act 1995* of a Board member continues in force until the end of the wind-up day or 30 June 2007, whichever occurs first.

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5. Extension of appointment of chief executive officer

- (1) The appointment under section 18(2) of the *Government Business Enterprises Act 1995* of the chief executive officer continues in force until the end of the wind-up day or 30 June 2007, whichever occurs first, unless the appointment is sooner terminated in accordance with the terms of the appointment.
- (2) The chief executive officer is not entitled to receive a payment in relation to the expiration of the appointment as chief executive officer under subsection (1) at the end of the wind-up day or 30 June 2007.

6. Continuation of employment of operations manager

- (1) If the wind-up day ends before the contract of employment of the operations manager ends –
 - (a) that contract continues until it expires in accordance with its terms, unless sooner terminated in accordance with its terms; and
 - (b) after the wind-up day –
 - (i) a reference in that contract to the Authority is taken to be a reference to the Crown; and
 - (ii) a reference in that contract to the chief executive officer of the

Authority is taken to be a reference to the Secretary.

- (2) After the wind-up day, the *Retirement Benefits Act 1993* continues to apply to the operations manager until his contract of employment expires or is terminated in accordance with the terms of the contract.

7. Transfer of assets and liabilities to Crown

- (1) In this section –

“**State tax**” means any of the following if imposed by any Act or law of Tasmania:

- (a) a fee, including an application fee and registration fee;
- (b) a tax, including a duty;
- (c) a charge.

- (2) On the repeal day –

- (a) the assets of the Authority vest in the Crown; and
- (b) the liabilities of the Authority become the liabilities of the Crown.

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

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8. Contracts

(1) In this section –

“contract” means a contract, agreement, arrangement or undertaking, or part of a contract, agreement, arrangement or undertaking, but does not include a contract of employment.

(2) A contract made or entered into by the Authority, but not performed, executed, discharged or otherwise terminated, before the repeal day is taken to be a contract made or entered into by the Crown.

(3) A party to a contract referred to in subsection (2) is not entitled, by reason only of the operation of this Act –

(a) to terminate that contract; or

(b) to claim that there has been a breach or default of contract; or

(c) to claim any remedy.

9. Construction of documents

(1) In this section –

“document” means a document, or part of a document –

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- (a) that was in force immediately before the repeal day; and
 - (b) in which there is a reference to the Authority; and
 - (c) that relates to an asset or liability of the Authority.
 - (2) Unless the context or subject matter of a document requires otherwise, on and after the repeal day –
 - (a) a reference in the document to the Authority is taken, where appropriate, to be or to include a reference to the Crown; and
 - (b) a reference in the document to the chief executive officer of the Authority is taken, where appropriate, to be or to include a reference to the Secretary.

10. Legal proceedings and related matters

On and after the repeal day –

- (a) any legal or other proceedings instituted by or against the Authority before, and pending on, the repeal day may be continued by or against the Crown; and
- (b) any legal or other proceedings that, immediately before the repeal day, could have been instituted by or against the

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Authority may be instituted by or against the Crown; and

- (c) a judgment or order of a court obtained before the repeal day by or against the Authority may be enforced by or against the Crown; and
- (d) a document relating to legal or other proceedings that has been served on or by the Authority is taken, where appropriate, to have been served on or by the Crown.

11. Regulations

- (1) The Governor may make regulations for the purposes of this Act.
- (2) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of this Act.
- (3) Regulations made under subsection (2) may take effect on the day on which this section commences or a later day as specified in the regulations, whether the day so specified is before, on or after the day on which the regulations are made.

12. 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 Minister for Community Development; and
- (b) the department responsible to that Minister in relation to the administration of this Act is the Department of Economic Development.

13. Consequential Amendments

The legislation specified in Schedule 1 is amended as specified in that Schedule.

14. Legislation repealed

The legislation specified in Schedule 2 is repealed.

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SCHEDULE 1 – CONSEQUENTIAL AMENDMENTS

Section 13

Government Business Enterprises Act 1995

1. Schedule 1 is amended by omitting
Tasmanian International Velodrome Management Authority

from Part 1.

2. Schedule 2 is amended by omitting
Tasmanian International Velodrome Authority

3. Schedule 3 is amended by omitting
Tasmanian International Velodrome Authority

4. Schedule 4 is amended by omitting
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SCHEDULE 2 – LEGISLATION REPEALED

Section 14

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Act 1984 (No. 71 of 1984)*