

Trade and Investment Cluster Governance (Amendment and Repeal) Act 2014

As at 30 August 2014

Long Title

An Act to dissolve certain statutory bodies and provide for the transfer of their assets, rights, liabilities and functions; and for other purposes.

Part 1 – Preliminary

1 Name of Act

This Act is the *Trade and Investment Cluster Governance (Amendment and Repeal) Act 2014*.

2 Commencement

This Act commences on a day or days to be appointed by proclamation.

3 Definitions

(1) In this Act: "**assets**" means any legal or equitable estate or interest (whether present or future, whether vested or contingent and whether personal or assignable) in real or personal property of any description (including money), and includes securities, choses in action and documents. "**liabilities**" means any liabilities, debts or obligations (whether present or future, whether vested or contingent and whether personal or assignable). "**rights**" means any rights, powers, privileges or immunities (whether present or future, whether vested or contingent and whether personal or assignable).

(2) Notes included in this Act do not form part of this Act.

Part 2 – Dissolution of Chipping Norton Lake Authority

4 Definition

In this Part:

"**Chipping Norton Lake Authority**" means the Chipping Norton Lake Authority constituted by the *Chipping Norton Lake Authority Act 1977* as in force immediately before its repeal by this Part.

5 Dissolution of Authority

(1) The Chipping Norton Lake Authority is dissolved.

(2) The assets, rights and liabilities of the Authority immediately before its dissolution become, on that dissolution, the assets, rights and liabilities of the Crown.

6 References to Chipping Norton Lake Authority

A reference in any other Act, in any instrument made under any Act or in any document of any kind to the Chipping Norton Lake Authority is to be construed as a reference to the Crown.

7 Chipping Norton Lake Authority Working Account

(1) The Chipping Norton Lake Authority Working Account established under section 20 of the *Chipping Norton Lake Authority Act 1977* is abolished.

(2) Any balance standing to the credit of that account immediately before its abolition is transferred to the Public Reserves Management Fund established under the *Public*

Reserves Management Fund Act 1987.

8 (Repealed)

Section 8 repealed the *Chipping Norton Lake Authority Act 1977*

Part 3 – Dissolution of New South Wales Dairy Industry Conference

9 Definitions

In this Part:

"**Dairy Industry Conference**" means the New South Wales Dairy Industry Conference constituted under the *Dairy Industry Act 2000* as in force immediately before its repeal by this Part.

"**Food Authority**" means the NSW Food Authority constituted under the *Food Act 2003*.

10 Dissolution of Dairy Industry Conference

- (1) The Dairy Industry Conference is dissolved.
- (2) The persons who were members of the Dairy Industry Conference immediately before its dissolution cease to hold office as members and are not entitled to any remuneration or compensation because of the loss of that office.
- (3) The assets, rights and liabilities of the Dairy Industry Conference immediately before its dissolution become, on that dissolution, the assets, rights and liabilities of the Food Authority.
- (4) Any person employed by the Dairy Industry Conference under section 9 of the *Dairy Industry Act 2000* ceases to be so employed on the commencement of this section. This subsection does not affect any rights that person may have on termination of employment.

11 Fund

- (1) The fund established under section 16 of the *Dairy Industry Act 2000* is abolished.
- (2) Any balance standing to the credit of that fund immediately before its abolition is transferred to the Food Authority Fund established under section 117A of the *Food Act 2003*.

12 References to Dairy Industry Conference

A reference in any other Act, in any instrument made under any Act or in any document of any kind to the New South Wales Dairy Industry Conference is to be construed as a reference to the Food Authority.

13 (Repealed)

Section 13 repealed the *Dairy Industry Act 2000* and the *Dairy Industry Regulation 2010*.

Part 4 – Dissolution of Lake Illawarra Authority

14 Definition

In this Part:

"**Lake Illawarra Authority**" means the Lake Illawarra Authority constituted under the *Lake Illawarra Authority Act 1987* as in force immediately before its repeal by this Part.

15 Dissolution of Lake Illawarra Authority

- (1) The Lake Illawarra Authority is dissolved.
- (2) The assets, rights and liabilities of the Lake Illawarra Authority immediately before its dissolution become, on that dissolution, the assets, rights and liabilities of the Crown.

- (3) Any advisory committees of the Lake Illawarra Authority are dissolved.
- (4) The persons who were members of the Lake Illawarra Authority or any of its advisory committees immediately before its dissolution cease to hold office as members and are not entitled to any remuneration or compensation because of the loss of that office.

16 References to Lake Illawarra Authority

A reference in any other Act, in any instrument made under any Act or in any document of any kind to the Lake Illawarra Authority is to be construed as a reference to the Crown.

17 Repeal of Lake Illawarra Authority Act 1987 No 285 and Lake Illawarra Authority Regulation 2012

(1) (Repealed) Section 17 (1) repealed the *Lake Illawarra Authority Act 1987* and the *Lake Illawarra Authority Regulation 2012*.

(2) The repeal of the *Lake Illawarra Authority Act 1987* does not affect the continuing operation of section 16 of that Act in relation to applications for consent made under section 14 of that Act before the repeal of that Act.

Part 5 – Dissolution of Ministerial Corporation for Industry

18 Definition

In this Part:

"**Ministerial Corporation**" means the Ministerial Corporation for Industry constituted under the *State Development and Industries Assistance Act 1966* as in force immediately before its repeal by this Part.

19 Dissolution of Ministerial Corporation

(1) The Ministerial Corporation is dissolved.

(2) Except as provided by subsection (3), the assets, rights and liabilities of the Ministerial Corporation immediately before its dissolution become, on that dissolution, the assets, rights and liabilities of the Crown.

(3) Any land, or interest in land, vested in the Ministerial Corporation immediately before its dissolution is transferred to Government Property NSW. Part 4 of the *Government Property NSW Act 2006* applies to the transfer of any land or interest in the same way as if the land or interest was transferred to Government Property NSW under that Act and the date of commencement of this section were the transfer date.

20 References to Ministerial Corporation

A reference in any other Act, in any instrument made under any Act or in any document of any kind to the Ministerial Corporation for Industry is to be construed as a reference to the Crown.

21 Industries Assistance Fund

(1) The Industries Assistance Fund established under section 34IA of the *State Development and Industries Assistance Act 1966* is abolished.

(2) Any balance standing to the credit of that fund immediately before its abolition is transferred to the Consolidated Fund.

22 (Repealed)

Section 22 repealed the *State Development and Industries Assistance Act 1966*.

Part 6 – Dissolution of Poultry Meat Industry Committee and Poultry Meat Industry Advisory Group

23 Definitions

In this Part:

"Advisory Group" means the Poultry Meat Industry Advisory Group established under the *Poultry Meat Industry Act 1986* as in force immediately before its repeal by this Part.

"Committee" means the Poultry Meat Industry Committee constituted under the *Poultry Meat Industry Act 1986* as in force immediately before its repeal by this Part.

24 Dissolution of Committee and Advisory Group

- (1) The Committee and the Advisory Group are dissolved.
- (2) The assets, rights and liabilities of the Committee immediately before its dissolution become, on that dissolution, the assets, rights and liabilities of the Crown.
- (3) The persons who were members of the Committee or the Advisory Group immediately before its dissolution cease to hold office as members and are not entitled to any remuneration or compensation because of the loss of that office.

25 References to Poultry Meat Industry Committee

A reference in any other Act, in any instrument made under any Act or in any document of any kind to the Committee is to be construed as a reference to the Crown.

26 (Repealed)

Section 26 repealed the *Poultry Meat Industry Act 1986* and the *Poultry Meat Industry Regulation 2008*.

Part 7 – Miscellaneous

27 Provisions relating to transfers of assets, rights and liabilities

- (1) In this section, the statutory body from which any assets, rights or liabilities are transferred is called the **"transferor"** and the body to which they are transferred is the **"transferee"**.
- (2) When any assets, rights or liabilities are transferred pursuant to Parts 2-6 of this Act, the following provisions have effect:
 - (a) the assets of the transferor vest in the transferee by virtue of this section and without the need for any further conveyance, transfer, assignment or assurance,
 - (b) the rights or liabilities of the transferor become, by virtue of this section, the rights or liabilities of the transferee,
 - (c) all proceedings relating to the assets, rights or liabilities commenced before the transfer by or against the transferor or a predecessor of the transferor and pending immediately before the transfer are taken to be proceedings pending by or against the transferee,
 - (d) any act, matter or thing done or omitted to be done in relation to the assets, rights or liabilities before the transfer by, to or in respect of the transferor or a predecessor of the transferor is (to the extent to which that act, matter or thing has any force or effect) taken to have been done or omitted by, to or in respect of the transferee,
 - (e) the transferee has all the entitlements and obligations of the transferor in relation to those assets, rights and liabilities that the transferor would have had but for the transfer, whether or not those entitlements and obligations were actual or potential at the time of the transfer.
- (3) The operation of this Act is not to be regarded:
 - (a) as a breach of contract or confidence or otherwise as a civil wrong, or
 - (b) as a breach of any contractual provision prohibiting, restricting or regulating the assignment or transfer of assets, rights or liabilities, or
 - (c) as giving rise to any remedy by a party to an instrument, or as causing or permitting the termination of any instrument, because of a change in the beneficial or legal ownership of any asset, right or liability, or

(d) as an event of default under any contract or other instrument.

(4) The Minister may, by notice in writing, confirm a transfer of particular assets, rights or liabilities. Such a notice is conclusive evidence of that transfer.

(5) No attornment to the transferee by a lessee from the transferor is required.

(6) In this section, "**instrument**" means an instrument (other than this Act) that creates, modifies or extinguishes rights or liabilities (or would do so if lodged, filed or registered in accordance with any law), and includes any judgment, order or process of a court.

28 No compensation payable by State

(1) Compensation, including damages or any other form of monetary compensation, is not payable by or on behalf of the State because of the enactment or operation of this Act, or for any consequence of that enactment or operation.

(2) In this section, "**the State**" means the Crown within the meaning of the *Crown Proceedings Act 1988*, and includes a public sector agency of the State and an officer, employee or agent of the Crown or a public sector agency of the State.

29 Savings and transitional regulations

(1) The Governor may make regulations containing provisions of a savings or transitional nature consequent on the enactment of this Act.

(2) Any such provision may, if the regulations so provide, take effect from the date of assent to this Act or a later date.

(3) To the extent to which any such provision takes effect from a date that is earlier than the date of its publication on the NSW legislation website, the provision does not operate so as:

(a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication, or

(b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication.

Schedules 1-3 (Repealed)

Historical notes

The following abbreviations are used in the Historical notes:

Am	amended	LW	legislation website	Sch	Schedule
Cl	clause	No	number	Schs	Schedules
ClI	clauses	p	page	Sec	section
Div	Division	pp	pages	Secs	sections
Divs	Divisions	Reg	Regulation	Subdiv	Subdivision
GG	Government Gazette	Regs	Regulations	Subdivs	Subdivisions
Ins	inserted	Rep	repealed	Subst	substituted

Table of amending instruments *Trade and Investment Cluster Governance (Amendment and Repeal) Act 2014 No 26*. Assented to 24.6.2014. Date of commencement, Part 6 and Sch 3.7 excepted, 1.7.2014, sec 2 and 2014 (403) LW 27.6.2014; date of commencement of Part 6 and Sch 3.7, 29.8.2014, sec 2 and 2014 (552) LW 29.8.2014. This Act has been amended by sec 30C of the *Interpretation Act 1987 No 15*.

Table of amendments

Secs 8, 13	Rep 1987 No 15, sec 30C.
Sec 17	Am 1987 No 15, sec 30C.
Secs 22, 26	Rep 1987 No 15, sec 30C.
Schs 1, 2	Rep 1987 No 15, sec 30C.
Sch 3	Am 1987 No 15, sec 30C. Rep 1987 No 15, sec 30C.