

2000
THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Treasurer)

Milk Authority (Repeal) Bill 2000

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Milk Authority (Repeal) Bill 2000

**A BILL
FOR
An Act to repeal the *Milk Authority Act 1971* and
for other purposes**

The Legislative Assembly for the Australian Capital Territory enacts as follows:

PART 1—PRELIMINARY

1 Name of Act

5 This Act is the *Milk Authority (Repeal) Act 2000*.

2 Commencement

This Act commences on 1 July 2000.

3 Definitions

In this Act, the following definitions apply:

assistant secretary means the assistant secretary to the milk authority under section 15A of the former Act.

5 *commencement* means the day on which this Act commences.

former Act means the *Milk Authority Act 1971*.

milk authority means the Milk Authority of the Australian Capital Territory.

10 *secretary* means the secretary to the milk authority under section 15 of the former Act.

PART 2—REPEAL AND TRANSITIONAL PROVISIONS

4 Repeal

- (1) The *Milk Authority Act 1971* is repealed.
- (2) However, this Part applies despite the repeal of the Act.

5 **5 Continuation of offices of secretary and assistant secretary for certain purposes**

(1) The offices of secretary and assistant secretary continue in existence but only for the purposes of—

- 10 (a) preparing and providing a report in accordance with section 8 of the *Annual Reports (Government Agencies) Act 1995*; and
- (b) preparing annual financial statements under section 59 of the *Financial Management Act 1996*; and
- (c) complying with the following provisions of the *Financial Management Act 1996*:
 - 15 (i) section 60 (Responsibility for annual financial statements);
 - (ii) subsection 61 (1) (Audit of annual financial statements);
 - (iii) subsection 62 (1) (Tabling of annual financial statements).

(2) The secretary and assistant secretary have the powers necessary or desirable for subsection (1).

20 (3) The following provisions apply to the report mentioned in paragraph (1) (a):

- (a) section 8 of the *Annual Reports (Government Agencies) Act 1995*;
- (b) subsection 18A (2) of the former Act (Powers of Minister with respect to policy).

25 (4) Sections 60, 61 and 62 of the *Financial Management Act 1996* apply to the financial statements mentioned in paragraph (1) (b).

(5) A person who, immediately before the commencement, was the secretary or assistant secretary continues in office for this Part.

6 Protection of members and secretary etc of authority

Section 51 of the former Act continues to apply to the secretary and applies to the assistant secretary as if the assistant secretary were the secretary.

5 7 Abolition of continued offices

The offices of secretary and assistant secretary are abolished on the earlier of the following:

- (a) 6 months after the commencement;
- (b) the day stated in a notice published in the Gazette by the Minister.

PART 3—TRANSFER OF ASSETS AND LIABILITIES

8 Transfer of assets and liabilities

(1) The assets and liabilities of the milk authority that existed immediately before the commencement vest in the Territory.

5 (2) If an asset or liability that is transferred to the Territory under this section is mentioned in a contract, arrangement or understanding, a reference to the milk authority in the contract, arrangement or understanding is taken, after the commencement, to be a reference to the Territory.

10 9 Proceedings and evidence

(1) In this section—

proceeding includes a right of appeal or review (including a right to make a complaint under the *Ombudsman Act 1989*) or any other civil proceeding relating to an asset or liability vested in the
15 Territory under section 8.

(2) For a proceeding started before the commencement to which the milk authority was a party, the Territory is substituted as a party to the proceeding.

(3) A proceeding that—

- 20 (a) was not started before the commencement; and
(b) apart from this Act could, after that day, have been brought by or against the milk authority;

may be brought by or against the Territory.

(4) For subsection (3), Part 3 of the *Limitation Act 1985* applies to the
25 institution of proceedings by or against the Territory as if the cause of action had accrued by or against the Territory.

(5) The court, tribunal, commission or other body in which, or before which, proceedings have been instituted or continued under this section may give directions in relation to the institution or continuance of those
30 proceedings.

(6) Any evidence that, but for this Act, would have been admissible for or against the milk authority is admissible for or against the Territory.

PART 4—MISCELLANEOUS

10 Regulation-making power

(1) The Executive may make regulations for this Act.

(2) In particular, the regulations may prescribe savings or transitional
5 matters necessary or convenient to be prescribed because of the enactment
of this Act.

11 Expiry of Act

This Act ceases to have effect 6 months after it commences.