



Australian Capital Territory

Hotel School (Repeal) Act 2005

A2005-45

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Australian Capital Territory

Hotel School (Repeal) Act 2005

A2005-45

An Act to repeal the *Hotel School Act 1996*, and for other purposes

Preamble

- 1 The Australian International Hotel School (the *school*) was established in 1994.
- 2 Continuing to operate the school in its current form may involve the Territory continuing to provide an annual operating subsidy.
- 3 Costs would be incurred in winding up the operations of the school and the potential proceeds to be gained from disposing of the Hotel Kurrajong site would be constrained by its heritage status.
- 4 After careful consideration, the Legislative Assembly considers that the preferred course involves selling the school to another educational institution thereby allowing the school to continue operating on the Kurrajong site through a sublease with the Territory. This course avoids the Territory having to provide ongoing operational subsidies to the school and allows for the preservation of the heritage status of the site.
- 5 For these reasons, the Legislative Assembly intends to facilitate the sale of the school and repeal the *Hotel School Act 1996*.

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

Part 1 Preliminary

1 Name of Act

This Act is the *Hotel School (Repeal) Act 2005*.

2 Commencement

- (1) This Act commences on a day fixed by the Minister by written notice.

Note 1 The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

Note 2 A single day or time may be fixed, or different days or times may be fixed, for the commencement of different provisions (see Legislation Act, s 77 (1)).

- (2) If this Act has not commenced within 6 months beginning on the notification day, it automatically expires on the first day after that period.
- (3) To remove any doubt, the Legislation Act, section 79 (Automatic commencement of postponed law) does not apply to this Act.

3 Notes

A note included in this Act is explanatory and is not part of this Act.

Note See the Legislation Act, s 127 (1), (4) and (5) for the legal status of notes.

4 Meaning of *school*

In this Act:

school means the Australian International Hotel School.

Part 2 Legislation repealed

5 Legislation repealed

- (1) The *Hotel School Act 1996* A1996-72 is repealed.
- (2) The following instruments are repealed:
 - *Hotel School Acting Appointment 2005 (No 1)* DI2005-76
 - *Hotel School Appointment 2003 (No 1)* DI2003-3
 - *Hotel School Appointment 2003 (No 2)* DI2003-40
 - *Hotel School Appointment 2003 (No 4)* DI2003-263
 - *Hotel School Appointment 2003 (No 5)* DI2003-264
 - *Hotel School Appointment 2004 (No 1)* DI2004-35
 - *Hotel School Appointment 2004 (No 2)* DI2004-36
 - *Hotel School Appointment 2004 (No 3)* DI2004-50
 - *Hotel School Appointment 2004 (No 4)* DI2004-166
 - *Hotel School Appointment 2004 (No 5)* DI2004-248
 - *Hotel School Appointment 2005 (No 1)* DI2005-51
 - *Hotel School Fees 2003 (No 1)* NI2003-303
 - *Hotel School (Fees) Determination 2004 (No 1)* NI2004-360.

Part 3 Assets, rights and liabilities

6 Vesting of assets, rights and liabilities

All assets, rights and liabilities of the school vest in the Territory.

7 Proceedings and evidence

- (1) For a proceeding started before the commencement of this Act and to which the school is a party, the Territory is substituted as a party.
- (2) A proceeding for a cause of action may be brought against the Territory if, before the commencement of this Act—
 - (a) the cause of action had accrued against the school; and
 - (b) a proceeding had not started in relation to the cause of action; and
 - (c) the limitation period for the cause of action had not ended.
- (3) The *Limitation Act 1985*, part 3 (Postponement of bar) applies to the starting of a proceeding that may be brought by or against the Territory under this section as if the cause of action had been accrued by, or had accrued against, the Territory.
- (4) The court or other entity in which, or before which, a proceeding may be or has been started or continued under this section may give directions about the proceeding.
- (5) Any evidence that, apart from the repeal of the *Hotel School Act 1996*, would have been admissible for or against the school is admissible for or against the Territory.
- (6) An order made in a proceeding by or against the school before the commencement of this Act may, after the commencement, be enforced by or against the Territory.

Part 3 Assets, rights and liabilities

Section 7

(7) In this section:

proceeding includes a proceeding by way of appeal or review (including review under the *Ombudsman Act 1989*).

Part 4 Reports and financial statements of school

8 Continuation of school for annual reports

- (1) The school (including its board of management) continues in existence as a territory entity but only for this part.
- (2) The *Annual Reports (Government Agencies) Act 2004* continues to apply to the school in relation to a financial year for the school—
 - (a) beginning before the commencement of this section; and
 - (b) for which a report had not been presented by the school under that Act, section 6 (Annual report of public authority) before the repeal of the *Hotel School Act 1996*.
- (3) The *Hotel School Act 1996*, section 6 (4) (which requires information about directions given by the Minister to be included in an annual report) continues to apply to a report by the school mentioned in subsection (2).
- (4) The school must prepare a financial statement under the *Financial Management Act 1996* in relation to its operations for each financial year during which the school operated if a financial statement under that section had not been prepared for the financial year before the repeal of the *Hotel School Act 1996*.
- (5) In this section:
financial year—see the *Annual Reports (Government Agencies) Act 2004*, section 6 (3).

9 Continuation of board members for certain purposes

The position of each member of the school board of management under the *Hotel School Act 1996* continues in existence but only for this part.

Part 5 Other provisions

10 Records

- (1) This section applies if the Territory transfers the business operated by the school to another entity so that the other entity can operate the business.
- (2) The Territory may give the other entity any records of the school (for example, student records) needed for, or helpful in, the operation of the business.

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

11 References to school

In any contract, agreement or arrangement, a reference to the school is, for the application of that contract, agreement or arrangement after the commencement of this section, a reference to the Territory.

12 Transitional regulations

- (1) A regulation may prescribe transitional matters necessary or convenient to be prescribed because of the enactment of this Act.
- (2) A regulation may modify part 4 or this part (including its operation in relation to another territory law) to make provision in relation to anything that, in the Executive's opinion, is not, or not adequately or appropriately, dealt with in this part.
- (3) A regulation under subsection (2) has effect despite anything elsewhere in this Act or another territory law.

13 Expiry of Act

This Act expires 1 year after the day it commences.

**14 Taxation (Government Business Enterprises)
Regulation 2003, section 4**

omit

- Australian International Hotel School

Endnotes**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 16 August 2005.

2 Notification

Notified under the Legislation Act on 2 September 2005.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

I certify that the above is a true copy of the Hotel School (Repeal) Bill 2005, which was passed by the Legislative Assembly on 25 August 2005.

Clerk of the Legislative Assembly