



Australian Capital Territory

Hotel School (Repeal) Act 2005

A2005-45

Republication No 1

Effective: 31 October 2005 – 31 October 2006

Republication date: 31 October 2005

Act not amended

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Hotel School (Repeal) Act 2005* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 31 October 2005. It also includes any amendment, repeal or expiry affecting the republished law.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



Australian Capital Territory

Hotel School (Repeal) Act 2005

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R1
31/10/05

Hotel School (Repeal) Act 2005
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Australian Capital Territory

Hotel School (Repeal) Act 2005

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

R1
31/10/05

Hotel School (Repeal) Act 2005
Effective: 31/10/05-31/10/06

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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*.

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 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.

(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.

Endnotes

1 About the endnotes

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	par = paragraph/subparagraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	pt = part
exp = expires/expired	r = rule/subrule
Gaz = gazette	renum = renumbered
hdg = heading	reloc = relocated
IA = Interpretation Act 1967	R[X] = Republication No
ins = inserted/added	RI = reissue
LA = Legislation Act 2001	s = section/subsection
LR = legislation register	sch = schedule
LRA = Legislation (Republication) Act 1996	sdiv = subdivision
mod = modified/modification	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

3 Legislation history

Hotel School (Repeal) Act 2005 A2005-45

notified LR 2 September 2005

s 1, s 2 commenced 2 September 2005 (LA s 75 (1))

remainder commenced 31 October 2005 (s 2 and CN2005-20)

Note Act exp 31 October 2006 (s 13)

4 Amendment history

Commencement

s 2 om LA s 89 (4)

Legislation repealed

pt 2 hdg om LA s 89 (3)

Legislation repealed

s 5 om LA s 89 (3)

Taxation (Government Business Enterprises) Regulation 2003, section 4

s 14 om LA s 89 (3)

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