

2005

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

---

(As presented)

(Treasurer)

## Hotel School (Repeal) Bill 2005

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## Hotel School (Repeal) Bill 2005

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### A Bill for

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

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1     **Preamble**

- 2             1 The Australian International Hotel School (the *school*) was  
3               established in 1994.
- 4             2 Continuing to operate the school in its current form may involve the  
5               Territory continuing to provide an annual operating subsidy.
- 6             3 Costs would be incurred in winding up the operations of the school  
7               and the potential proceeds to be gained from disposing of the Hotel  
8               Kurrajong site would be constrained by its heritage status.
- 9             4 After careful consideration, the Legislative Assembly considers that  
10            the preferred course involves selling the school to another  
11            educational institution thereby allowing the school to continue  
12            operating on the Kurrajong site through a sublease with the  
13            Territory. This course avoids the Territory having to provide  
14            ongoing operational subsidies to the school and allows for the  
15            preservation of the heritage status of the site.
- 16            5 For these reasons, the Legislative Assembly intends to facilitate the  
17               sale of the school and repeal the *Hotel School Act 1996*.
- 18     The Legislative Assembly for the Australian Capital Territory therefore enacts  
19     as follows:

1       **Part 1**                               **Preliminary**

2       **1**               **Name of Act**

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

4       **2**               **Commencement**

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

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

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

12             (2) If this Act has not commenced within 6 months beginning on the  
13             notification day, it automatically expires on the first day after that  
14             period.

15             (3) To remove any doubt, the Legislation Act, section 79 (Automatic  
16             commencement of postponed law) does not apply to this Act.

17       **3**               **Notes**

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

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

21       **4**               **Meaning of *school***

22               In this Act:

23               *school* means the Australian International Hotel School.

1        **Part 2                      Legislation repealed**

2        **5                      Legislation repealed**

- 3                      (1) The *Hotel School Act 1996* A1996-72 is repealed.
- 4                      (2) The following instruments are repealed:
- 5                      • *Hotel School Acting Appointment 2005 (No 1)* DI2005-76
  - 6                      • *Hotel School Appointment 2003 (No 1)* DI2003-3
  - 7                      • *Hotel School Appointment 2003 (No 2)* DI2003-40
  - 8                      • *Hotel School Appointment 2003 (No 4)* DI2003-263
  - 9                      • *Hotel School Appointment 2003 (No 5)* DI2003-264
  - 10                     • *Hotel School Appointment 2004 (No 1)* DI2004-35
  - 11                     • *Hotel School Appointment 2004 (No 2)* DI2004-36
  - 12                     • *Hotel School Appointment 2004 (No 3)* DI2004-50
  - 13                     • *Hotel School Appointment 2004 (No 4)* DI2004-166
  - 14                     • *Hotel School Appointment 2004 (No 5)* DI2004-248
  - 15                     • *Hotel School Appointment 2005 (No 1)* DI2005-51
  - 16                     • *Hotel School Fees 2003 (No 1)* NI2003-303
  - 17                     • *Hotel School (Fees) Determination 2004 (No 1)* NI2004-360.

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## 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

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- 1            (7) In this section:
- 2                    ***proceeding*** includes a proceeding by way of appeal or review
- 3                    (including review under the *Ombudsman Act 1989*).

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## 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.

1 **Part 5 Other provisions**

2 **10 Records**

3 (1) This section applies if the Territory transfers the business operated  
4 by the school to another entity so that the other entity can operate  
5 the business.

6 (2) The Territory may give the other entity any records of the school  
7 (for example, student records) needed for, or helpful in, the  
8 operation of the business.

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

12 **11 References to school**

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

16 **12 Transitional regulations**

17 (1) A regulation may prescribe transitional matters necessary or  
18 convenient to be prescribed because of the enactment of this Act.

19 (2) A regulation may modify part 4 or this part (including its operation  
20 in relation to another territory law) to make provision in relation to  
21 anything that, in the Executive's opinion, is not, or not adequately or  
22 appropriately, dealt with in this part.

23 (3) A regulation under subsection (2) has effect despite anything  
24 elsewhere in this Act or another territory law.

25 **13 Expiry of Act**

26 This Act expires 1 year after the day it commences.

1 **14 Taxation (Government Business Enterprises)**  
2 **Regulation 2003, section 4**

3 *omit*

- 4
  - Australian International Hotel School
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### Endnotes

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 2005.

**2 Notification**

Notified under the Legislation Act on 2005.

**3 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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