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New South Wales

Air Transport Legislation Repeal Bill 1998

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to repeal the *Air Transport Act 1964* and to dissolve the Air Transport Council constituted by that Act. The Bill also consequentially repeals the *Air Transport (Amendment) Act 1987* and the *Air Transport Regulation 1994*, and makes a consequential amendment to the *Air Navigation Act 1938*.

Outline of provisions

Part 1 Preliminary

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on 1 May 1999.

Clause 3 defines certain words and expressions used in the proposed Act. *Council* is defined as the Air Transport Council constituted by the *Air Transport Act 1964*.

Part 2 Repeals

Clause 4 repeals the *Air Transport Act 1964*.

Clause 5 repeals the *Air Transport (Amendment) Act 1987*.

Clause 6 repeals the *Air Transport Regulation 1994*.

Part 3 Consequential dissolution of Council and transfer of assets, rights and liabilities

Clause 7 dissolves the Council.

Clause 8 provides that members of the Council are to vacate office upon the dissolution of the Council.

Clause 9 transfers the assets, rights and liabilities of the Council to the Crown.

Clause 10 provides that any references to the Council in any other laws or documents are to be construed as references to the Crown.

Clause 11 provides for the making of regulations containing provisions of a savings or transitional nature.

Part 4 Miscellaneous

Clause 12 makes a consequential amendment to the *Air Navigation Act 1938*.

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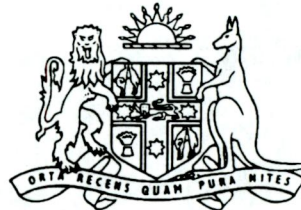
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New South Wales

Air Transport Legislation Repeal Bill 1998

No. , 1998

A Bill for

An Act to repeal the *Air Transport Act 1964*; to dissolve the Air Transport Council; to transfer the assets, rights and liabilities of that Council to the Crown; to make a consequential amendment; to effect consequential repeals; and for other purposes.

Clause 1 Air Transport Legislation Repeal Bill 1998

Part 1 Preliminary

The Legislature of New South Wales enacts:

Part 1 Preliminary

1 Name of Act

This Act is the *Air Transport Legislation Repeal Act 1998*.

2 Commencement

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This Act commences on 1 May 1999.

3 Definitions

In this Act:

assets means any legal or equitable estate or interest (whether present or future and whether vested or contingent) in real or personal property of any description (including money), and includes securities, choses in action and documents. 10

Council means the Air Transport Council constituted by the *Air Transport Act 1964*.

instrument (except in section 10) 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. 15

liabilities means all liabilities, debts and obligations (whether present or future and whether vested or contingent). 20

rights means all rights, powers, privileges and immunities (whether present or future and whether vested or contingent).

Part 2 Repeals

4 Repeal of Air Transport Act 1964 No 36

The *Air Transport Act 1964* is repealed.

5 Repeal of Air Transport (Amendment) Act 1987 No 112

The *Air Transport (Amendment) Act 1987* is repealed.

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6 Repeal of Air Transport Regulation 1994

The *Air Transport Regulation 1994* is repealed.

Clause 7 Air Transport Legislation Repeal Bill 1998

Part 3 Consequential dissolution of Council and transfer of assets, rights and liabilities

Part 3 Consequential dissolution of Council and transfer of assets, rights and liabilities

7 Dissolution of Council

The Council is dissolved.

8 Members of Council to vacate office

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A person who, immediately before the dissolution of the Council, held office as a member of the Council:

- (a) ceases to hold that office on that dissolution, and
- (b) is not entitled to any remuneration or compensation because of the loss of that office.

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9 Transfer of assets, rights and liabilities of Council

(1) On the dissolution of the Council, the assets, rights and liabilities of the Council are transferred to the Crown.

(2) On the transfer, the following provisions have effect:

- (a) the assets of the Council vest in the Crown by virtue of this section and without the need for any conveyance, transfer, assignment or assurance, 15
- (b) the rights and liabilities of the Council become by virtue of this section the rights and liabilities of the Crown,
- (c) all proceedings commenced before the transfer by or against the Council and pending immediately before the transfer are taken to be proceedings pending by or against the Crown, 20
- (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 Council 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 Crown. 25

(3) The operation of this section is not to be regarded:

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- (a) as a breach of contract or confidence or otherwise as a civil wrong, or

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- (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. 5
 - (4) The operation of this section is not to be regarded as an event of default under any contract or other instrument.
 - (5) No attornment to the Crown by a lessee from the Council is required. 10

10 Construction of references to Council

A reference to the Council in any other Act, in any instrument made under any other Act or in any document of any other kind is to be construed as a reference to the Crown. 15

11 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. 20
- (3) To the extent to which any such provision takes effect from a date that is earlier than the date of its publication in the Gazette, 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 25
 - (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. 30
- (4) A regulation may provide for the interpretation of references to the Executive Officer or staff of the Council.

Clause 12 Air Transport Legislation Repeal Bill 1998

Part 4 Miscellaneous

Part 4 Miscellaneous

12 Consequential amendment to Air Navigation Act 1938 No 9

The *Air Navigation Act 1938* is amended by omitting the provisos to section 4.