



CANCER COMMITTEE (REPEAL) ACT 1995

No. 97 of 1995

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**CANCER COMMITTEE (REPEAL) ACT 1995**

No. 97 of 1995

AN ACT to repeal the *Cancer Committee Act 1937* and for related purposes

[Royal Assent 24 November 1995]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

Short title

1—This Act may be cited as the *Cancer Committee (Repeal) Act 1995*.

Commencement

2—This Act commences on the day on which it receives the Royal Assent.

Interpretation

3—In this Act, unless the contrary intention appears—

“**commencement day**” means the day on which this Act commences;

“**Committee**” means the Tasmanian Cancer Committee as constituted under the Repealed Act immediately before the commencement day;

“**Council**” means the Cancer Council of Tasmania Inc. incorporated under the *Associations Incorporation Act 1964*;

“**property**” means legal or equitable estate or interest (whether present or future and whether vested or contingent) in real or personal property and includes money, documents, securities, choses in action and other rights;

“**Repealed Act**” means the *Cancer Committee Act 1937*.

Repeals

4—The *Cancer Committee Act 1937* and the *Cancer Committee Amendment Act 1988* are repealed.

Abolition of Committee

5—(1) The Committee is abolished.

(2) The appointments of the members of the Committee are terminated.

Transfer of property, rights, obligations and liabilities

6—(1) All property and the management and control of property that were vested in or belonged to the Committee immediately before the commencement day vest in or belong to the Council.

(2) Any trusts or conditions that, immediately before the commencement day, applied in relation to property, or the management and control of property, referred to in subsection (1) continue to apply.

(3) If immediately before the commencement day the Committee was a trustee of property referred to in subsection (1), the Council becomes trustee of that property.

(4) Any obligations or liabilities that belonged to the Committee immediately before the commencement day become the obligations and liabilities of the Council.

Money claims

7—(1) All money, debts and claims, liquidated or unliquidated, that were payable by, due from or recoverable against the Committee immediately before the commencement day are payable by, due from or recoverable against the Council.

(2) All money, debts and claims, liquidated or unliquidated, that were payable to, due to or recoverable by the Committee immediately before the commencement day are payable to, due to or recoverable by the Council.

Legal matters

8—(1) Any legal proceedings instituted by or against the Committee which were pending immediately before the commencement day may be continued by or against the Council.

(2) Legal proceedings by or against the Committee to enforce a right that had accrued, and was in existence, immediately before the commencement day may be commenced by or against the Council.

(3) A judgment or order of a court obtained by or against the Committee may be enforced by or against the Council.

(4) A contract made or entered into by the Committee but not performed or discharged before the commencement day is taken, on and after that day, to have been made or entered into by the Council.

Documents

9—(1) In any document made before the commencement day and having effect on or after that day, a reference to the Committee is taken to be a reference to the Council on and after that day.

(2) A document addressed to the Committee may be served on or provided to the Council.

*[Second reading presentation speech made in:—
House of Assembly on 17 October 1995
Legislative Council on 1 November 1995]*