



FISHERIES DEVELOPMENT ACT (REPEAL) ACT 1985

No. 72 of 1985

TABLE OF PROVISIONS

<ol style="list-style-type: none"> 1. Short title. 2. Commencement. 3. Interpretation. 4. Dissolution of Fisheries Development Authority. 5. Right to continue proceedings. 6. Proceedings to enforce right. 7. Enforcement of judgment or order. 8. Service of document. 9. Contracts, agreements, and arrangements. 10. Debts, money and claims. 	<ol style="list-style-type: none"> 11. Savings and transitional provisions. 12. Consequential amendments of <i>Tasmanian State Service (Miscellaneous Amendments) Act 1984</i>. 13. Consequential amendments of <i>Tasmanian State Service (Transitional Provisions) Act 1984</i>. 14. Repeals.
--	---

SCHEDULE 1

TRANSITIONAL PROVISIONS
RELATING TO EMPLOYEES

AN ACT to repeal the Fisheries Development Act 1977 and to amend certain other Acts.

[Royal Assent 17 October 1985]

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:—

1—This Act may be cited as the *Fisheries Development Act* Short title. *(Repeal) Act 1985*.

Commencement.

2—(1) This section and section 1 shall commence on the day on which this Act receives the Royal assent.

(2) Except as provided in subsection (1), this Act shall commence on a day to be fixed by proclamation.

Interpretation.

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

“Authority” means the Fisheries Development Authority constituted under the *Fisheries Development Act 1977*;

“commencement day” means the day fixed under section 2 (2);

“repealed Act” means the *Fisheries Development Act 1977*.

Dissolution of Fisheries Development Authority.

4—The Authority is hereby dissolved.

Right to continue proceedings.

5—Proceedings before a court or any other body commenced by or against the Authority before, and pending at, the commencement day may be continued by or against, as the case may be, the Crown.

Proceedings to enforce right.

6—Proceedings before a court or any other body to enforce a right that had accrued to or against the Authority before the commencement day may be commenced by or against, as the case may be, the Crown.

Enforcement of judgment or order.

7—A judgment or an order of a court or any other body, in so far as it applies to the Authority, shall be complied with, and may be enforced, as if it were a judgment or an order obtained by or against the Crown.

Service of document.

8—A document addressed to and served on the Authority shall be deemed to have been served on the Crown.

Contracts, agreements, and arrangements.

9—All contracts, agreements, and arrangements entered into by the Authority under the repealed Act shall be deemed to be contracts, agreements, and arrangements entered into by the Crown.

Debts, money and claims.

10—(1) All debts, money, and claims, liquidated and unliquidated, that, immediately before the commencement day, were due or payable to, or recoverable by, the Authority, shall be respectively due to, payable to, and recoverable by, the Crown.

(2) All debts, money, and claims liquidated and unliquidated, that, immediately before the commencement day, were due from, payable by, or recoverable against, the Authority shall be respectively due from, payable by, and recoverable against, the Crown.

11—The savings and transitional provisions set out in Schedule 1 have effect. Savings and transitional provisions.

12—Schedule 1 to the *Tasmanian State Service (Miscellaneous Amendments) Act 1984* is amended by omitting the amendments of the *Fisheries Development Act 1977*. Consequential amendments of *Tasmanian State Service (Miscellaneous Amendments) Act 1984*.

13—Schedule 1 to the *Tasmanian State Service (Transitional Provisions) Act 1984* is amended as follows:— Consequential amendments of *Tasmanian State Service (Transitional Provisions) Act 1984*.

(a) by omitting paragraph (s) of clause 29 (4);

(b) by omitting paragraph (t) of clause 29 (4) and substituting the following paragraph:—

(t) a person who, by virtue of clause 1 of Schedule 1 to the *Fisheries Development Act (Repeal) Act 1985* became employed in the Department of Sea Fisheries;

14—The *Fisheries Development Act 1977*, the *Fisheries Development Amendment Act 1980*, and the *Fisheries Development Amendment Act 1984* are repealed. Repeals.

SCHEDULE 1

Section 11

TRANSITIONAL PROVISIONS RELATING TO EMPLOYEES

1—A person employed under section 10 (1) of the repealed Act shall, on and after the commencement day be employed in the Department of Sea Fisheries and shall, subject to the direction of the Director of Sea Fisheries, continue to perform those functions and duties which he previously performed as an employee of the Authority.

2—The terms and conditions of employment of a person to whom clause 1 applies shall be those under which he was employed by the Authority immediately prior to the commencement day.

3—A person to whom clause 1 applies shall—

- (a) retain any rights that immediately before the commencement day had accrued to him, or were accruing to him, by virtue of his being such a person, including any rights accrued or accruing to him under the *Retirement Benefits Act 1982*;
- (b) if a contributor immediately before that day to any fund established under the *Retirement Benefits Act 1982*, continue to contribute to that fund; and
- (c) be entitled to any leave (including long service leave) and any remuneration, gratuity, or other payment,

as if he had continued to be an employee of the Authority under and in accordance with section 10 of the repealed Act.