



POTATO INDUSTRY ACT (REPEAL) ACT 1982

No. 13 of 1982

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SCHEDULE 1—REPEALS

AN ACT to repeal the Potato Industry Act 1977 and to provide for matters consequential on the dissolution of the Potato Industry Authority.

[Royal Assent 14 July 1982]

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 *Potato Industry Act (Repeal)* Short title.
Act 1982.

Commence-
ment.

2—This Act shall commence on the day on which it receives the royal assent.

Interpretation.

3—In this Act, except in so far as the context or subject-matter otherwise indicates or requires—

“ the Authority ” means the Potato Industry Authority of Tasmania established under section 3 of the Principal Act;

“ the commencement day ” means the day on which this Act receives the royal assent;

“ legal proceedings ” includes an arbitration;

“ obligations ” includes duties and liabilities;

“ Principal Act ” means the *Potato Industry Act 1977** as in force immediately before the commencement day;

“ property ” means any legal or equitable estate or interest, whether present or future and whether vested or contingent, or real or personal property of any description, and includes things in action;

“ rights ” includes entitlements, powers, and privileges.

Dissolution of
the Authority.

4—On the commencement day, by virtue of this section—

(a) the Authority is dissolved;

(b) the Potato Quota Review Committee established under Part IV of the Principal Act is dissolved;

(c) all property vested in the Authority and not disposed of by the Authority before the commencement day vests in the Crown;

(d) any contract that existed between the Authority and any person pursuant to section 21 of the Principal Act is terminated; and

(e) the Acts that are specified in Schedule 1 are repealed.

Contracts.

5—Except as provided by section 4 (d), where a contract entered into by the Authority before the commencement day has not been executed or discharged before that day, all rights and obligations of the Authority under the contract shall be deemed to be assigned to the Crown on that day.

* No. 97 of 1977. Subsequently amended by No. 84 of 1978 and No. 22 of 1981.

6—The Authority shall be deemed always to have had the power to acquire, hold, and dispose of, property for the purpose of enabling it to carry out its functions under the Principal Act.

Power to acquire, hold, and dispose of property.

7—(1) Without limiting the general effect of section 4, but subject to subsections (2) and (3), the following provisions have effect on and from the commencement day:—

Supplementary provisions with respect to legal proceedings, documents, &c.

- (a) legal proceedings instituted by or against the Authority before and pending on the commencement day may be continued by or, as the case may be, against the Crown;
- (b) legal proceedings by or against the Authority to enforce a right that had accrued before, and is in existence on, the commencement day may be commenced by or, as the case may be, against the Crown;
- (c) a judgment or order of a court obtained by or against the Authority may be enforced by or, as the case may be, against the Crown;
- (d) a document addressed to and purporting to be served on the Authority shall be deemed to be served on the Crown.

(2) Where, before the commencement day, any remedy which would not have been available to a person against the Crown was available against the Authority, that remedy shall, on and from the commencement day, no longer be available to that person.

(3) On the commencement day any liability which had been incurred by any person which may involve the imposition of a penalty under the Acts referred to in Schedule 1 is discharged.

8—If, after the dissolution of the Authority, any obligation of the Authority which remains outstanding involves the payment by the Crown of an amount to satisfy that obligation, the Treasurer shall cause any sum of money required to satisfy that obligation and any interest due on it to be paid out of the Consolidated Revenue Fund without further appropriation than this section.

Debts of the Authority.

SCHEDULE 1

Section 4

REPEALS

Year and number of Act	Short title of Act
No. 97 of 1977	<i>Potato Industry Act 1977</i>
No. 84 of 1978	<i>Potato Industry Act 1978</i>
No. 22 of 1981	<i>Potato Industry Amendment Act 1981</i>