

Western Australia

**Perth International Centre for Application of
Solar Energy Repeal Act 2006**

As at 03 Oct 2006

No. 43 of 2006

Extract from www.slp.wa.gov.au, see that website for further information

Perth International Centre for Application of Solar Energy Repeal Act 2006

CONTENTS

1.	Short title	1
2.	The Act repealed	2
3.	Transitional and savings provisions	2
4.	<i>Constitution Acts Amendment Act 1899</i> amended	2
5.	<i>Financial Administration and Audit Act 1985</i> amended	2
6.	<i>Freedom of Information Act 1992</i> amended	3
7.	<i>State Superannuation Regulations 2001</i> amended	3
 Schedule 1 — Transitional and savings provisions		
1.	Terms used in this Schedule	4
2.	Interpretation Act to apply	5
3.	The Board	5
4.	Managing Director	5
5.	The International Advisory Council	5
6.	Devolution of Centre's assets, liabilities etc.	5
7.	Agreements and instruments generally	5
8.	Funds	6
9.	Financial reporting	6
10.	Immunity continues	7
11.	Registration of documents	7
12.	Saving	7

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Perth International Centre for Application of Solar Energy Repeal Act 2006

No. 43 of 2006

An Act to —

- **repeal the *Perth International Centre for Application of Solar Energy Act 1994*;**
- **amend certain other Acts as a consequence,
and for related purposes.**

[Assented to 3 October 2006]

The Parliament of Western Australia enacts as follows:

1. Short title

This is the *Perth International Centre for Application of Solar Energy Repeal Act 2006*.

2. The Act repealed

The *Perth International Centre for Application of Solar Energy Act 1994* is repealed.

3. Transitional and savings provisions

Schedule 1 sets out transitional and savings provisions.

4. Constitution Acts Amendment Act 1899 amended

- (1) The amendment in this section is to the *Constitution Acts Amendment Act 1899**.

[* *Reprint 13 as at 18 March 2005.*

For subsequent amendments see Act No. 59 of 2004.]

- (2) Schedule V Part 3 is amended by deleting “The board of directors of the Perth International Centre for Application of Solar Energy established under the *Perth International Centre for Application of Solar Energy Act 1994*.”.

5. Financial Administration and Audit Act 1985 amended

- (1) The amendment in this section is to the *Financial Administration and Audit Act 1985**.

[* *Reprint 8 as at 9 July 2004.*

For subsequent amendments see Western Australian Legislation Information Tables for 2004, Table 1, p. 165 and Gazette 4 Feb 2005 p. 623-4.]

- (2) Schedule 1 is amended by deleting “Perth International Centre for Application of Solar Energy”.

6. *Freedom of Information Act 1992* amended

- (1) The amendment in this section is to the *Freedom of Information Act 1992**.

[* *Reprint 4 as at 10 September 2004.*
*For subsequent amendments see Western Australian
Legislation Information Tables for 2004, Table 1, p. 179.*]

- (2) Schedule 2 is amended by deleting “The Perth International Centre for Application of Solar Energy.”.

7. *State Superannuation Regulations 2001* amended

- (1) The amendment in this section is to *State Superannuation Regulations 2001**.

[* *Reprint 1 as at 7 November 2003.*
*For subsequent amendments see Western Australian
Legislation Information Tables for 2004, Table 4, p. 386.*]

- (2) Schedule 1 Division 2 item 37 is deleted.

Schedule 1 — Transitional and savings provisions

[s. 3]

1. Terms used in this Schedule

In this Schedule, unless the contrary intention appears —

“assets” means property of every kind whether tangible or intangible, real or personal, corporeal or incorporeal and includes without limitation —

- (a) choses in action;
- (b) goodwill; and
- (c) rights, interests and claims of every kind in or to property, whether arising from, accruing under, created or evidenced by or the subject of, an instrument or otherwise and whether liquidated or unliquidated, actual, contingent or prospective;

“Board” means the Board of Directors of the Perth International Centre for Application of Solar Energy as constituted under the Act immediately before the commencement day;

“Centre” means the Perth International Centre for Application of Solar Energy;

“commencement day” means the day on which this Act comes into operation;

“liability” means any liability, duty or obligation whether actual, contingent or prospective, liquidated or unliquidated, or whether owed alone or jointly or jointly and severally with any other person;

“Minister” means the Minister responsible for the administration of the *Energy Coordination Act 1994*;

“right” means any right, power, privilege or immunity whether actual, contingent or prospective;

“the Act” means the *Perth International Centre for Application of Solar Energy Act 1994* as in force immediately before the commencement day.

2. Interpretation Act to apply

This Schedule does not limit the operation of the *Interpretation Act 1984*.

3. The Board

At the beginning of the commencement day the Board is abolished and its members go out of office.

4. Managing Director

On the commencement day the person holding the office of Managing Director under the Act section 8(1)(a) ceases to hold that office.

5. The International Advisory Council

At the beginning of the commencement day the International Advisory Council established under the Act Part 2 Division 3 is abolished and its members go out of office.

6. Devolution of Centre's assets, liabilities etc.

On and after the commencement day —

- (a) the assets and rights of the Centre that were immediately before that day vested in that body vest in the State by force of this clause;
- (b) the liabilities of the Centre immediately before that day become, by force of this clause, the liabilities of the State;
- (c) any proceedings or remedy that immediately before that day might have been brought or continued by or available against or to the Centre, may be brought or continued and are available, by or against or to the State; and
- (d) all records and data of the Centre pass to the Minister.

7. Agreements and instruments generally

Any agreement or instrument subsisting immediately before the commencement day —

- (a) to which the Centre is a party; or
- (b) which contains a reference to the Centre,

cl. 8

has effect on and after the commencement day as if —

- (c) the State were substituted for the Centre as a party to the agreement or instrument; and
- (d) any reference in the agreement or instrument to the Centre were (unless the context otherwise requires) amended to be or include a reference to the State.

8. Funds

On the commencement day the account referred to in the Act section 24(2) is to be closed by the Treasurer and the moneys in the account credited to the Consolidated Fund.

9. Financial reporting

(1) In this clause —

“FAA Act” means the *Financial Administration and Audit Act 1985*;

“reporting officer” means the person appointed under the FAA Act section 65A(2) as applied by subclause (2);

“the final period” means the period that —

- (a) starts immediately after the end of the last financial year of the Centre to have ended before the commencement day; and
- (b) ends immediately before the commencement day.

(2) The FAA Act section 65A applies in relation to the preparation and submission of a final report in respect of the Centre, as if —

- (a) references in that section to a department were references to the Centre; and
- (b) references in that section to provisions of the FAA Act sections 62 to 65 were references to the equivalent provisions of the FAA Act sections 66 to 70,

except that the period to which the final report is to relate is the final period and the references in sections 66(1), 68, and 70(1) to the end of the financial year are to be read as references to the end of the final period.

- (3) If, immediately before the commencement day, any duty imposed by the FAA Act Part II Division 14 on the accountable authority of the Centre remains unfulfilled in relation to the Centre for any financial year that expired before the commencement day, that duty subsists and is to be performed by the reporting officer as if the reporting officer were the accountable authority.
- (4) The time within which the reporting officer is to perform a duty referred to in subclause (3) is extended until the end of the day that is 2 months after the day on which the reporting officer is appointed, but this subclause does not prevent the time from being extended again under the FAA Act section 70.

10. Immunity continues

Despite the repeal of the *Perth International Centre for Application of Solar Energy Act 1994*, where the Centre had the benefit of any immunity in respect of an act, matter or thing done or omitted before the commencement day, that immunity continues in that respect for the benefit of the State.

11. Registration of documents

The Registrar of Titles is to take notice of the provisions of this Schedule and is empowered to record and register in the appropriate manner the necessary documents, and otherwise to give effect to this Schedule.

12. Saving

The operation of any provision of this Schedule is not to be regarded —

- (a) as a breach of contract or confidence or otherwise as a civil wrong;
- (b) as a breach of any contractual provision prohibiting, restricting or regulating the assignment or transfer of assets, rights or liabilities or the disclosure of information;
- (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;

cl. 12

- (d) as causing any contract or instrument to be void or otherwise unenforceable; or
- (e) as releasing or allowing the release of any surety.

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