

PEACE TRUST (REPEAL) ACT 1988 No. 56

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
 2. Commencement
 3. Definitions
 4. Repeal of Peace Trust Act 1987 No. 134
 5. Abolition of Peace Trust etc.
 6. Transfer of assets, liabilities etc. of Trust
 7. Amendment of Public Finance and Audit Act 1983 No. 152
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PEACE TRUST (REPEAL) ACT 1988 No. 56

NEW SOUTH WALES



Act No. 56, 1988

An Act to repeal the Peace Trust Act 1987 and to enact provisions consequent on the repeal of that Act. [Assented to 15 November 1988]

Peace Trust (Repeal) 1988

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Peace Trust (Repeal) Act 1988.

Commencement

2. This Act commences on a day or days to be appointed by proclamation.

Definitions

3. (1) In this Act—

“nominated body” means—

- (a) if, on or before the commencement of section 4, no body is nominated under subsection (2) for the purposes of this Act—the Crown; or
- (b) if, on or before the commencement of section 4, a body is nominated under subsection (2) for the purposes of this Act—that body;

“the Trust” means the Peace Trust of New South Wales constituted by the Peace Trust Act 1987.

- (2) The Governor may by order published in the Gazette nominate a body (being a body having as or among its objects the same or substantially similar objects as those of the Trust) to be the nominated body for the purposes of this Act.

Repeal of Peace Trust Act 1987 No. 134

4. The Peace Trust Act 1987 is repealed.

Abolition of Peace Trust etc.

5. (1) The Trust is abolished.

(2) A person who, immediately before the commencement of this section, held office as a member of the Trust—

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

Transfer of assets, liabilities etc. of Trust

- 6. (1)** On and from the commencement of section 4—
- (a) all real and personal property (including any estate or interest in, or right to control or manage, real or personal property) that, immediately before that commencement, was vested in the Trust vests in the nominated body; and
 - (b) any money that, immediately before that commencement, was payable to the Trust becomes payable to the nominated body instead of the Trust; and
 - (c) any liquidated or unliquidated claim that, immediately before that commencement, was enforceable by the Trust becomes enforceable by the nominated body instead of the Trust; and
 - (d) any liquidated or unliquidated claim that, immediately before that commencement, was enforceable against the Trust becomes enforceable against the nominated body instead of the Trust; and
 - (e) any proceeding pending immediately before that commencement at the suit of the Trust becomes a proceeding pending at the suit of the nominated body instead of the Trust; and
 - (f) any proceeding pending immediately before that commencement against the Trust becomes a proceeding pending against the nominated body instead of the Trust; and
 - (g) any contract, agreement or undertaking entered into with the Trust and in force immediately before that commencement becomes a contract, agreement or undertaking entered into with the nominated body instead of the Trust; and
 - (h) any security or charge given to or by the Trust and in force immediately before that commencement becomes a security or charge given to or by the nominated body instead of the Trust.
- (2)** If any proceeding instituted against the Trust becomes by operation of this section a proceeding against the Crown—
- (a) the Claims against the Government and Crown Suits Act 1912 applies to and in relation to the proceeding; and
 - (b) in the application of that Act, sections 6 and 7 of that Act apply to, and in relation to, the proceeding as if it had been instituted against a nominal defendant who had been appointed under that Act and had subsequently died.

Peace Trust (Repeal) 1988

Amendment of Public Finance and Audit Act 1983 No. 152

7. The Public Finance and Audit Act 1983 is amended by omitting from Schedule 2 the words "Peace Trust of New South Wales."

*[Minister's second reading speech made in—
Legislative Assembly on 1 September 1988
Legislative Council on 12 October 1988]*
