

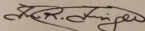
CONFIDENTIALCABINET DECISIONNO. 423

Submission No.: 368

Title: DEVELOPMENT OF "ARALUEN" CULTURAL COMPLEX

Cabinet decided that -

- (a) legislation based on the Adelaide Festival Theatre Act be introduced and be known as the Araluen Arts and Cultural Trust Ordinance, the Trust to be charged with the responsibility of encouraging and facilitating artistic, cultural and performing arts activities throughout the Alice Springs region and particularly the development control and management of the Araluen centre;
- (b) seven trustees be appointed - four nominated by the Araluen Foundation, two by the Corporation of the Municipality of Alice Springs, as direct representatives of the community, and one by the Minister for Community Development;
- (c) concurrently with (a) the Town Planning Board be asked to consolidate the Araluen area for one purpose for use by the N.T. Museums and Art Galleries Board and the proposed Trust;
- (d) an overall development plan be drawn up by experts to determine the best allocation of the area between the Museums and Art Galleries Board and the Trust;
- (e) the areas so determined be vested in the Museums and Art Galleries Board and the Trust; and
- (f) the Museums and Art Galleries Board relinquish its site on the Charles River (Reserve 1389).



(M.R. FINGER),
Secretary to Cabinet.

6.9.78

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THE NORTHERN TERRITORY OF AUSTRALIA

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Copy No. 1

FOR CABINET

SUBMISSION No. 368

Title:	Development of "Araluen" cultural complex
Cabinet Member:	Mr Jim Robertson Community Development
Purpose:	To establish a method for the development/management of the old Connair area and the Connellan House at "Araluen" as an Art and Cultural Centre.
Relation to existing policy:	Special legislation recommended modelled on The Adelaide Festival Centre Trust Act of South Australia.
Timing/legislative priority:	Urgent.
Announcement of decision, tabling, etc.:	Press release recommended as per Attachment A.
Action required before announcement:	None
Staffing implications, numbers and costs, etc.:	Comments of the Public Service Commissioner and Under Treasurer are at page 2.
Total cost:	\$2 million to \$3 million over the next few years.

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DEVELOPMENT OF "ARALUEN" CULTURAL COMPLEX

Comment by
Director of
Finance:

The area sought in this submission occupies nearly 20 acres & could provide in the vicinity of 50 home sites having an estimated resale value of \$300,000. Apart from the value of the land to the Govt., it is apparent that the Govt. will be called upon to provide substantial grants to the development of the area, the management of the reserve and its maintenance. Whilst the idea behind the proposal is commendable it is felt that the drain upon the public purse will be considerable. The proposal is not set out in sufficient and necessary detail to facilitate proper evaluation of the contribution to be made by the Trust, nor the forward commitment of Govt. expenditure. The budget for 1978/79, after meeting the existing priorities of the government, has left little for additional expenditure. The full year's costs of ~~Approved by Cabinet~~ these proposals will certainly erode any surplus currently existing.

Signed:

Date:

Cont. over.

Comment by
Public Service
Commissioner:

No objections to the reservation of the Araluen site for Museums and Art Galleries and Cultural complex. Considered however that the recommendation in relation to substantial funds is too vague for decision by Cabinet. The mention of two to three million dollars does not appear to be based on any examination or knowledge of overall cost structures. Announcement by the draft Press release is likely to cause increased pressure from Darwin organisations for immediate similar arrangements. Cabinet should be sure of what is understood by a Cultural Centre as different groups, dependent on their activity, often have a different interpretation. The responsibilities of the proposed trust may cut across other community groups in Alice Springs. There is no indication of consultation with other cultural groups and Cabinet should consider whether current funds allocation ~~Approved by Cabinet~~ to any other groups should continue if an umbrella trust is funded. There could be significant staffing implications if operation of the completed centre was under the Public Service Ordinance, however even if staffed outside the Public Service significant funds input could be expected.

Signed:

Date:

G. Gaskill
G. GASKILL
~~For Public Service Commissioner~~

28 August 1978

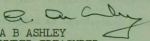
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DEVELOPMENT OF 'ARALUEN' CULTURAL COMPLEX

Comment by
Director of
Finance:

This proposal therefore requires further careful consideration in relation to budget aspects. The sources of funding available to the Government for this and similar Trust type acquisitions and developments, are very limited and considerable care must be exercised as to the number and size of similar type projects now in hand or under consideration.


A B ASHLEY
UNDER TREASURER

Approved/Not Approved:

30 August 1978

Signed:

Date:

Comment by
Public Service
Commissioner:

Approved/Not Approved

Signed:

Date:

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The Issues

1. To establish a satisfactory method for the development of the land and buildings known as "Araluen" in Alice Springs including the former hangar area previously occupied by Connellan Airways.

Background

2. When Connellan Airways moved from the "townsite" aerodrome the hangar area and buildings reverted to the Crown. Since then the house site and orchard known as Araluen have been acquired by the Government.
3. In 1976 "The Araluen Foundation for Arts and Cultural Conservation" was set up to develop the area for these purposes as more particularly set down in its Constitution (copy at Attachment B). The Foundation represents many of the cultural organisations in Alice Springs such as the Alice Springs Musical Society, Central Australian Folk Society, Central Australian Gun and Pistol Club, Central Australian Aviation Museum (this body is interested in rebuilding and using the old hangar).
4. The Northern Territory Museums and Art Galleries Board wishes to establish a centre at Alice Springs and has been allocated a site on the Eastern bank of the Charles River (Reserve 1389). The Board would prefer portion of the Araluen area but has not, as yet, indicated the area and extent of its requirements.

.../4

5. Attachment C shows in red the Araluen area. Open area 5107 is declared "for the recreation and amusement of the public". Special sites 4593 and 5106 are applicable to a special purpose lease.

Consideration of the Issues

6. There is a properly constituted Foundation in Alice Springs eager to take over development of this area for cultural purposes. Its constitution is sound and recent appointment of Senator B. Kilgarrif, Mr Justice Toohey and the Mayor Mr G. Smith as Governors lend it strength. Substantial community support could be expected if there is concrete evidence of progress and planning.
7. The Alice Springs Council originally expressed interest in obtaining control of portion of the area, block 5107, but has withdrawn in favour of the Foundation.
8. The Central Australian Aviation Museum has already acquired some old aeroplanes and other exhibits. Action is in hand to grant it an occupation license over the old hangar area so that it can commence rebuilding. This is on the understanding that this license terminate when the whole area is allocated. No conflict is expected between the operation of this museum and the Museum and Art Galleries Board project.
9. The total area of blocks 4593, 5106 and 5107 is 7.89 hectares (19.49 acres). The hillock between the hangar and the house occupies slightly in excess of 1 hectare (2½ acres) but sufficient area should remain

to accommodate comfortably the Foundation and the Museums and Art Galleries Board.

Options

10. The options are :-

- (a) Grant a Special Purpose Lease to the Foundation over that portion of the area not required by the Museums and Art Galleries Board.
- (b) Reserve the land under Section 103 of the Crown Lands Ordinance "for the recreation and amusement of the public". Trustees should then be appointed in terms of Section 103C of the Ordinance to develop and manage the Reserve. An example is the Darwin East Point Reserve.
- (c) Reserve the land under Section 103 of the Crown Lands Ordinance "for the recreational amusement of the public" and lease it to the Alice Springs Council under Section 339A of the Local Government Ordinance on the understanding that the Council would sub-lease to the Foundation.
- (d) As in (c) above lease the area to the Alice Springs Council which it would then control direct and not sub-lease.
- (e) Enact a special Ordinance for the development and management of the area by trustees. The Adelaide Festival Centre Trust Act (Attachment D) provides a good guide.
- (f) A final option, which must be mentioned, is not to proceed with this project but to use the land in some other way.

This is not recommended. It is considered that the development proposed will give Alice Springs a unique cultural centre enhanced by the propinquity of the

Museums and Art Galleries complex. Apart from the advantages to the community of Alice Springs its value as a tourist attraction will be almost incalculable. To evaluate the above : in view of the proposed level of government support is is considered that direct control is required. This could best be effected through special legislation modelled on the South Australian Act for the Adelaide Festival Theatre (Attachment D).

Public Impact

11. There has been some public controversy about delays in transferring this area to the Foundation. Public reaction is expected to be very favourable particularly as the Foundation itself supports the approach recommended below as does the Mayor of Alice Springs.

Financial Considerations

12. A substantial input of public funds is required if the area is to meet its full potential quickly. A figure of \$2 million to \$3 million has been mentioned but this should be much augmented by voluntary labour and local fund raising.

Employment Considerations

13. When developed the area could employ full time several persons. Additional assistance would be required at public functions. A large amount of labour is expected to be voluntary.

Commonwealth and Local Government Relations

14. It is possible the Foundation may attract subsidies from the Commonwealth Government in support of the arts through the Australia Council.

15. The Northern Territory Arts Council may find it attractive to use the facilities in the area in presenting performers, which it sponsors to the Territory.
16. It is expected that the Alice Springs Council as a supporter of this project will give practical assistance.

Co-Ordination

17. The Planning Branch, the Directors of the Museums and Art Galleries Board the Legislation Branch and the Developed Lands Branch have been consulted.

Legislation

18. The introduction of a bill for a special Ordinance based broadly on the South Australian model (Attachment D) is proposed.

Publicity

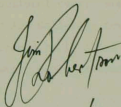
19. A draft press release is at Attachment A.

Recommendations : It is recommended that :-

- (a) Legislation based on the Adelaide Festival Theatre Act (Attachment D) be introduced and be known as the Araluen Arts and Cultural Trust Ordinance. The Trust be charged with the responsibility of encouraging and facilitating artistic, cultural and performing arts activities throughout the Alice Springs region and particularly the development control and management of the Araluen centre.
- (b) Seven trustees be appointed. Four nominated by the Araluen Foundation, two by the Corporation of the Municipality of Alice Springs, as direct

representatives of the community, and one by the Minister for Community Affairs.

- (c) Concurrently with recommendation (a) the Town Planning Board be asked to consolidate the Araluen area for one purpose for use by the N.T. Museums and Art Galleries Board and the proposed Trust.
- (d) An overall development plan be drawn up by experts to determine the best allocation of the area between the Museums and Art Galleries Board and the Trust.
- (e) The areas so determined be vested in the Museums and Art Galleries Board and the Trust.
- (f) The Museums and Art Galleries Board relinquish its site on the Charles River (Reserve 1389)
- (g) Substantial funds be made available to the Trust in the early years for the erection of a performing centre



30/8

D R A F T

PRESS RELEASE

The Minister for Community Development, Mr Jim Robertson, announced today that the Government had approved a plan for the development and management of the Araluen area at Alice Springs.

The Araluen Foundation for Arts and Cultural Conservation wished to develop the area for these purposes. As the area was large, 7.89 hectares (19.49 acres), it had also been decided to provide a section for the development of a complex by the Northern Territory Museums and Art Galleries Board.

A trust would be set up to develop and manage the reserve and handle the substantial grants the Government intended to contribute. Special legislation would be introduced based on the Adelaide Festival Centre Trust Act of South Australia. The Araluen Foundation would be represented on the Trust as well as the Alice Springs Council together with a representative of the Minister. All the bodies concerned were happy with this arrangement.

Mr. Robertson concluded by saying that the proposed development will give Alice Springs an unique cultural centre enhanced by the proximity of the Museums and Art Galleries complex. Apart from the advantages to the community in Alice Springs its value as a tourist attraction he said, would be almost incalculable.

CONSTITUTION

PART I - PRELIMINARY

1. This constitution is divided into the following parts:-

Parts	PART I	-	PRELIMINARY.....	(Clauses 1 - 3)
	PART II	-	NAME, OBJECTS and POWERS.....	{ " 4 - 8}
	PART III	-	MEMBERSHIP.....	{ " 9 - 13}
	PART IV	-	STRUCTURE OF THE FOUNDATION....	{ " 14 - 27}
	PART V	-	MEETINGS.....	{ " 28 - 32}
	PART VI	-	THE ANNUAL GENERAL MEETING.....	{ " 33 - 36}
			Election of Officers	
	PART VII	-	DUTIES OF OFFICERS.....	{ " 39 - 41}
	PART VIII	-	INCORPORATION.....	{ " 42 - 43}
	PART IX	-	WINDING UP.....	(Clause 44)
	PART X	-	DIFFERENCE BETWEEN THE BOARD AND THE COMMITTEE.....	{ " 45}
	PART XI	-	AMENDMENT OF THE CONSTITUTION BY-LAWS.....	(Clauses 46 - 47)

2. In interpreting this Constitution, no regard shall be had to the headings of the various Parts of this Constitution, nor to any marginal notes or headings.

3. In this Constitution:

Definitions

- "Board" - means the Board of Governors of the Foundation.
- "Committee" - means the Committee of the Foundation.
- "Participating Organization" - means a company, incorporated body or organization which has complied with the provisions of Clause 18 of this Constitution.
- "Sub-committee" - means a sub-committee of the Foundation.

- Name: 4. The name of the Foundation is "The Araluen Foundation for Arts and Cultural Conservation".
- Objects: 5. The objects of the Foundation are:-
- (a) To obtain control of the whole or a substantial part of the land and buildings known as "Araluen" being the land described as Lot 275 Town of Alice Springs and formerly comprising Agricultural Lease 423 WHETHER by obtaining an estate in Crown Leasehold OR by obtaining a sub-lease over the said land OR by obtaining control over the development and use of the said land as Manager OR in any other way whatsoever.
 - (b) To develop the said land and any buildings, structures or other things thereon in accordance with the objects of the Foundation.
 - (c) To manage, control and maintain the said land and all buildings, structures and things thereon, so as to provide:
 - (i) A centre for arts and crafts, being a centre providing facilities for the support and encouragement of, and opportunities for the participation in, Arts and Crafts.
 - (ii) A place for the exhibition, display and/or performance of works of the visual and performing arts and crafts.
 - (iii) A social club, club house and/or club rooms (including all associated facilities which the Foundation may for time to time deem appropriate) for persons interested in Arts or Crafts.
 - (iv) An area for the retention, restoration and/or display of items (including buildings and structures) of National historic, scientific, social or cultural significance.
 - (v) An area of Parkland.
 - (vi) Subject to any Law in force in the Northern Territory, an area for the growing and display of flora and fauna, including in particular Australian plants.

- (vii) An area of the resort and recreation of members of the public.
 - (viii) An outdoor forum where speakers may address members of the public.
6. The various objects set forth in the preceding clause, and in the various parts thereof, shall be regarded as disjunctive and not conjunctive; and nothing in this Constitution shall be construed as requiring that the Foundation proceed simultaneously with the attainment of all or any two or more of the objects herein stated.
7. In furtherance of the objects of the Foundation, the Foundation may exercise any or all of the following powers:

Powers:

- (a) To promote public interest in the objects and undertakings of the Foundation.
- (b) To raise money by public subscription or in such other manner as the Committee of the Foundation shall from time to time decide and upon such terms and conditions (including terms and conditions as to the payment of interest and the giving of security) as the Committee may decide.
- (c) To receive gifts, donations, grants, bequests, devises and assistance of any other kind (whether of money or otherwise.)
- (d) To develop the said land (and any other land acquired or controlled by the Foundation) so as to include other amenities appropriate to the objects of the Foundation, including (but without in anywise limiting the power hereby conferred) parking facilities, bicycle tracks, barbeque and cooking facilities, look-outs, walks, children's play areas, and swimming and wading facilities.
- (e) To acquire or obtain control of such other land as the Committee may from time to time deem advisable, whether for development in conjunction with the land hereinbefore mentioned or otherwise.
- (f) To permit any other person or persons or organization to use any or all of the facilities of, or under the control of the Foundation for any purpose approved by the Committee, subject to any conditions imposed by the Committee.
- (g) To buy, sell and otherwise deal with (whether by lease, exchange hire or in any other manner whatsoever) property of any description whether real or personal, tangible or intangible.

7. (h) To carry out all or any of the objects of the Foundation, or to exercise all or any of the powers of the Foundation, either as principal, agent, contractor, trustee or otherwise, and by or through agents, contractors, trustees or otherwise, and either alone or in conjunction with others.
- (i) To do all such other things as are incidental or conducive to the attainment of the objects of the Foundation.
8. In the construction of the objects and powers of the Foundation, the specific mention of any object or power shall not be deemed to cut down or narrow any general words used in describing or mentioning the objects or powers of the Foundation or any of them, nor shall any specific words be deemed to narrow the meaning which attaches to any general words, and the objects specified in each paragraph of Clause 5 shall except where otherwise expressed in such paragraph be independent main objects and shall be in no way limited or restricted by reference to, or inference from, the terms of any other paragraph or the name of the Foundation.

PART 111 - MEMBERSHIP

9. (a) Membership of the Foundation shall be of the following classes:-

1. Ordinary Membership
2. Family Membership
3. Honourary Membership
4. Life Membership
5. Honourary Life Membership

- (b) Subject to the approval of the Committee, any person shall be entitled to become an ordinary member of the Foundation upon payment of the prescribed annual membership fee. The membership fee shall be \$5.00 per year, or such other amount as is determined by the Foundation at an Annual General Meeting. Such membership shall be deemed to expire on the 31st of March in each year, unless the membership fee for the following year has first been paid.

10. The Board may bestow Honourary Membership on any person for outstanding support of or assistance to the Foundation, but such membership shall be deemed to expire on the 31st March next following.

Classes of
Membership:

Ordinary
Membership:

Honourary
Membership:

Life
Membership:

11. Subject to the approval of the Committee, any person who makes a donation of not less than \$500.00 to the Foundation shall be entitled Life Membership of the Foundation without the payment of further membership fees.

Honourary
Life
Membership:

12. The Board may confer Honourary Life Membership upon any person who has, in the opinion of the Board, made an exceptional contribution to the Foundation, and such a person shall not be required to pay any membership fees thereafter PROVIDED HOWEVER that not more than two Honourary Life Memberships may be bestowed by the Board of Governors in any calendar year.

Family
Membership:

13. In this Clause:

"Child" shall mean a person under the age of 18 years, or a person over the age of 18 years who is not usually in full time employment.

"Family" means a domestic unit of not more than two parents, and such children as normally reside with them.

"Parent" means any adult person standing in loco parentis in relation to any child normally residing with the adult.

(a) Subject to the approval of the Committee, the members of a family shall be entitled to become members of the Foundation upon payment of an amount equal to twice the Annual Membership fee for an ordinary member.

(b) Such membership shall be deemed to expire on 31st of March in each year, unless the membership fee for the ensuing year has been paid.

(c) The parent or parents of a family which has obtained family membership of the Foundation shall be regarded as ordinary members of the Foundation for all purposes, subject always to the provisions of this Constitution and of the By-laws of the Foundation.

(d) The children of a family which has obtained family membership shall be regarded as ordinary members of the Foundation, subject to the following:-

(i) Such children shall not have the right to vote at any election or referendum conducted amongst the members of the Foundation.

(ii) The Committee may, by by-law, require that any such child exercising any right conferred upon it as a member of the Foundation be accompanied by

an adult person or (if the Committee so specifies) one or other of the parents of the child stipulated in the publication for family membership, and such condition may be imposed by the Committee in relation to any place, object or event under the control or auspices of the Foundation.

- (e) Subject to the next succeeding sub-clause, such membership shall be deemed to expire on 31st March of each year, unless the membership fee for the ensuing year has first been paid.
- (f) Notwithstanding anything to the contrary herein contained, a child who has been a member of the Foundation pursuant to the provisions of this clause and who has ceased to be a child within the meaning as previously defined in this clause or who has ceased to be ordinarily residing with either of the parents stipulated in the application for family membership shall forthwith cease to be a member of the Foundation.

PART IV - STRUCTURE OF THE FOUNDATION

- Board to determine Policy:
14. There shall be a Board of Governors, constituted as herein after provided, which shall, subject to this Constitution, determine the Board policy to be followed by the Foundation in achieving the objects of the Foundation.
- Committee to conduct affairs:
15. There shall be a Committee, constituted as herein after provided, which shall conduct the business and affairs of the Foundation, and shall, subject to the Constitution, implement the policy laid down from time to time by the Board.
- Sub-committees:
16. (a) There shall be not less than four (4) sub-committees, constituted as herein after provided, which shall include:-
- A Publicity Sub-committee
 - A Finance Sub-committee
 - A Ways and Means Sub-committee
 - A Planning Sub-committee
 - A Membership Sub-committee
- (b) The Committee may appoint such further sub-committees as it deems advisable from time to time.

16. (c) Each sub-committee shall have a Chairman who shall be a member of the Committee.
- (d) The members of each sub-committee, other than the Chairman, shall be such members of the Foundation as the Committee shall from time to time appoint, and any such person may be removed from office at any time at the discretion of the Committee.

17. The Board of Governors of the Foundation shall comprise the following:-

Composition
of Board:

- (a) The members of the Committee ex officio.
- (b) Not more than fifteen (15) representatives of participating organizations, elected at the Annual General Meeting of the Foundation.
- (c) Not more than five (5) other persons, representing the community as a whole elected at the Annual General Meeting.

Participating
Organizations:

18. (a) Any company, incorporated body or other organization whether incorporated or not (other than a company, incorporated body or organization whose objects include the making of a profit for the benefit of members of such company, body or organization) which supports the objects of the Foundation may apply to the Committee to become a Participating Organization with the Foundation.
- (b) Application shall be made in such form and in such manner as may be prescribed by the Committee from time to time, and shall be accompanied by such documents as may be required by the Committee from time to time.
- (c) Each application shall be considered by the Committee, which may approve or reject such application.
- (d) The Committee may reject any application if the Committee, in its absolute discretion, is of the opinion that the approval of the application would be detrimental to the interests of the Foundation.
- (e) The Committee may, in its absolute discretion, defer consideration of any application until the next meeting of the Committee.
- (f) Any approval of an application by the Committee shall, unless the Committee otherwise directs, be deemed to be approved subject to the payment of the prescribed annual fee within twenty-one (21) days of the date of the approval by the Committee.

19. For the purpose of the last preceding clause, the prescribed annual fee shall be such amount per capita as is stipulated by the Committee from time to time

multiplied by -

(a) in the case of an Organization not then already a Participating Organization, the number of members of the organization on the last day of the month immediately preceding the month in which the application is made

OR

(b) in the case of an organization applying to renew its membership as a Participating Organization within the Foundation, the number of members of the organization as at the last day of February of the year in question.

In the case of a Participating Organization, the prescribed annual fee shall be payable in advance and shall be payable during the month of March in each year prior to the holding of the Annual General Meeting of the Foundation in that year, and upon such payment the Participating Organization shall be deemed to be a financial Participating Organization until the Annual General Meeting of the Foundation in the subsequent year.

20. A Person who is a member of the Board as a representative of a Participating Organization shall not be required to be a member of the Foundation, and shall have not have any additional rights at meetings of the Board should he be a member of the Foundation.

21. (a) The Committee shall consist of a President, a First Vice President, a Second Vice President, a Secretary, an assistant Secretary, a Treasurer, an assistant Treasurer, and three (3) Committee men, all of whom shall be elected annually at the Annual General Meeting of the Foundation, and who shall (subject to this Constitution) hold office until the next ensuing Annual General Meeting.

(b) The first Committee shall be those elected at a Public Meeting to be called on the 11th day of February, 1976 to form the Foundation, and they shall hold office until the first Annual General Meeting of the Foundation.

Composition
of Committee:

Finance
Sub-committee:

22. The Finance Sub-committee shall be responsible for advising the Committee on all matters relating to the financial situation of the Foundation, and for the maintenance of the financial records of the Foundation.

Publicity
Sub-committee:

23. The Treasurer for the time being shall be ex officio the Chairman of the Finance Committee.

Planning
Sub-committee:

24. The Publicity Sub-committee shall be responsible for advising the Committee on all matters relating to publicising the objects and undertakings of the Foundation.

Ways & Means
Sub-committee:

25. The Planning Sub-committee shall be responsible for advising the Committee on all aspects of the development and maintenance of the assets of the Foundation.

Casual
Vacancies:

26. The Ways and Means Sub-committee shall be responsible for the fund raising activities of the Foundation, other than the collection of membership subscriptions.

27. (a) Should any member of the Board or of the Committee or of a Sub-committee die or resign or become unable or unwilling to perform the duties of his position, the Committee shall declare that a vacancy exists in respect of the position formerly held by such a person.
- (b) Should any member of the Board, of the Committee, or of a sub-committee fail to attend three(3) consecutive meetings of the Board or the Committee or the Sub-committee (as the case may be) without leave or sufficient excuse, or fail to discharge the duties of his position satisfactorily, the Committee may declare that a vacancy exists in respect of the position formerly held by such a person.
- (c) The decision of the Committee as to the existence of any state of fact referred to in the last two preceding sub-clauses expressed in a motion of the Committee, shall be final and conclusive.
- (d) For the purposes of sub-clause (b) of this clause in relation to a member of the Committee; a meeting of the Board shall be deemed to be a meeting of the Committee.

27. (e) If a vacancy occurs on the Committee, the Committee shall appoint a person to fill the vacant position until the next Annual General Meeting of the Foundation.
- (f) If a vacancy occurs on the Board, being a vacancy in respect of a position held by a representative of a Participating Organization, the Committee shall forthwith bring to the attention of the Organization concerned the provisions of this clause and of clause 38 of this Constitution and the Committee shall also advise the Board at the next Board meeting of the situation and of the financial standing (in relation to the Foundation) of the Organization concerned.
- (g) If the organization does not submit a list of names as required by clause 35 of this Constitution, the Committee may appoint any person (selected in the absolute discretion of the Committee) to fill the vacancy OR may decide not to fill the vacancy at that time, AND in the latter case the committee may decide at any subsequent time prior to the next Annual General Meeting to appoint any person (selected in the absolute discretion of the Committee) to fill the vacancy. Any person appointed pursuant to this sub-clause shall hold office until the next Annual General Meeting of the Foundation.
- (h) Should any vacancy occur on the Board, being a vacancy in relation to a position formerly held by a person pursuant to clause 17(c) of this Constitution, the Committee may at any time appoint a person to fill the vacant position until the next Annual General Meeting of the Foundation.
- (i) In exercising the power conferred by the last preceding sub-clause, the Committee shall have regard to (but shall not be bound by) any opinion expressed by the person who held the position immediately prior to the vacancy occurring.
- (j) Should any vacancy occur on any sub-committee, the Committee may at any time appoint any member of the Foundation to fill such vacancy.

PART V. - MEETINGS

When Board
to meet:

28. (a) The Board of Governors of the Foundation shall meet not less than four (4) times in each year, during the months of March, June, September, and December in each year.
- (b) For the purpose of this clause, the Annual General Meeting of the Foundation shall constitute a meeting of the Board of Governors.
29. The Board of Governors may meet at such other times as are deemed necessary by the President or by a majority of the Board, or as required by this Constitution.

When Committee
to meet:

30. (a) The Committee shall meet not less than six (6) times a year and no more than two (2) calendar months shall elapse between any two (2) consecutive meetings of the Committee.
- (b) No meeting of the Committee shall be held unless there is present at the meeting at least one member of the Finance Subcommittee.

Advisors:

- (c) The Committee shall have the power to appoint such advisors as it shall from time to time determine to attend its meetings, and/or the meetings of any Sub-committee, and such a person shall have the right to speak, but not to vote, on any matter before the Committee, or Sub-committee as the case may be.
31. Subject to the directions of the Committee, the Sub-committees shall meet at such times and places and in such manner as the respective Chairman thereof shall from time to time determine.

Special
General
Meetings:

32. (a) A Special General Meeting of the members of the Foundation may be called at any time by the President (or in his absence, by the First Vice President, or in the absence of both of them by the Second Vice President).
- (b) A Special General Meeting of the members of the Foundation may also be requested at any time by not less than ten financial members of the Foundation by notice in writing (signed by each of such members personally) and delivered to the Secretary.
- (c) Such a notice shall stipulate the business to be dealt with at such General Meeting.

32. (d) Upon receipt of such a notice the Secretary shall arrange for the Meeting to be held in not less than fourteen (14) days, or more than twenty-eight (28) days, after the date of receipt of the notice by the Secretary.
- (e) Should a Special General Meeting be called pursuant to this clause, notice of the Meeting, and of the business to be discussed thereat, shall be given in the same manner as if the business to be dealt with at the Special General Meeting were an amendment to the Constitution.

PART VI - THE ANNUAL GENERAL MEETING - Election of Officers

AGM to be
in March:

33. The Annual General Meeting of the Foundation shall be held each year during the month of March.

Business
of AGM:

34. The business of the Annual General Meeting shall be as follows:-

- (1) The presentation of the retiring President's Annual Report in writing.
- (2) The presentation of the retiring Treasurer's Annual Report in writing.
- (3) The election of the various office bearers constituting the Committee.
- (4) The election of representatives on the Board of Governors of Participating Organizations (as hereinafter defined).
- (5) The election of Community Representatives (as hereinafter defined) on the Board of Governors.
- (6) General Business (if any).

35. (a) At the Annual General Meeting, each Participating Organization shall be entitled to nominate one member of that Organization to stand for election to the Board of Governors of the Foundation.

(b) Should there be more than fifteen (15) persons so nominated, an election shall be held, in accordance with the by-laws of the Foundation, to fill the fifteen (15) places on the Board of Governors reserved for representatives of Participating Organizations.

(c) Such elections shall be by secret ballot and shall be conducted amongst financial members of the Foundation present in person or by proxy.

36. (a) At the Annual General Meeting the Chairman shall call for nominations to fill the five (5) positions on the Board reserved for representatives of the community.
- (b) If there are more than five (5) such nominations, the Chairman shall conduct an election in accordance with the by-laws of the Foundation.
- (c) Such election shall be by secret ballot and shall be conducted amongst financial members of the Foundation present in person or by proxy.
37. All retiring members of the Committee shall be eligible for re-election.
38. If a person who is a member of the Board of Governors as a representative of a Participating Organization ceases to be a member of the Board, the Participating Organization shall within one (1) month submit to the Committee a list of not less than three (3) names of members of the Participating Organization, and the Committee shall appoint a person from the names so submitted to fill the vacancy until the next Annual General Meeting of the Foundation.

PART VII - DUTIES OF OFFICERS

- Chairman: 39. (a) At all meetings of the Board and of the Committee the President, or in his absence the first Vice President or in the absence of both the President and the first Vice President the second Vice President, shall act as Chairman of the meetings and shall have a casting vote as well as a deliberate vote.
- President of Foundation: (b) The President of the Committee shall be designated the President of the Foundation.
- Secretary: 40. The Secretary shall keep proper Minutes of all meetings of the Board, the Committee, and of General Meetings of the Foundation and shall attend to all necessary correspondence and shall keep all such records and do all such things as are normally kept and done by Secretaries of Associations, and shall in addition comply with any directions of the Committee.

Treasurer:

41. (a) Correct Books of Account and other necessary financial records shall be kept by the Treasurer showing the financial affairs of the Foundation and the particulars usually shown in Books of Account of a like nature.
- (b) The Committee shall arrange for the books of account to be audited by a person not holding any other office in the Foundation as soon as possible after the 31st day of December in each year, and the Auditor's report and audited balance sheet for the preceeding financial year shall be submitted to the Annual General Meeting and shall be available for inspection by members on request to the secretary not less than then (10) days prior to the Annual General Meeting.

PART VIII - INCORPORATION AND PROFITS

Incorporation:

42. (a) The Foundation shall be incorporated pursuant to the Associations Incorporation Ordinance (1963) as amended and the first Committee shall appoint one of their number to apply for incorporation, and shall appoint a Public Officer (who shall be a member of the Committee) pursuant to the said Ordinance.
- (b) Upon incorporation the Foundation shall have a corporate Seal in a form to be approved by the Committee.
- (c) The Corporate Seal shall not be affixed to any deed, instrument or document of any description except in accordance with a resolution passed by the Committee and in the presence of at least two (2) members of the Committee, who shall respectively testify by their signatures that the Seal has been duly affixed.

Profits:

43. All profits made by the Foundation shall be used to further the objects of the Foundation, and no member shall derive any financial gain by virtue only of his membership of the Foundation PROVIDED THAT the Committee is empowered to pay remuneration as it thinks fit to any Member of the Foundation or other person performing work in the interests of the Foundation AND PROVIDED FURTHER that Members of the Foundation may compete for prizes in competitions conducted by, or under the auspices of, the Foundation.

Winding Up:

44. (a) The affairs of the Foundation shall be wound up only upon a resolution passed by a two-thirds majority of members present at a General Meeting of members of the Foundation.
- (b) Fourteen (14) days' notice in writing of the meeting shall be posted to all members of the Foundation, and Notice of the Motion for Winding Up shall be posted to all members with the Notice of the Meeting.
- (c) Notice of the Meeting and Notice of the Motion for winding up shall also be published at least once in a newspaper circulating in Alice Springs not less than seven days before the date of the Meeting.
- (d) Upon the Winding Up of the Foundation, the residue of the assets of the Foundation shall revert absolutely to the Commonwealth of Australia in such manner as the Administrator in Council of the Northern Territory for the time being shall determine.

PART X - DIFFERENCE BETWEEN BOARD AND COMMITTEE

45. Should any difference between the Board and the Committee arise, it shall be resolved in accordance with the following procedure:-
- (a) The Board shall at a duly convened meeting of the Board, pass a motion calling for a report from the Committee of a matter in question (full particulars of which matter shall be incorporated into the minutes of the meeting of the Board at which the motion is passed shall not be required, but shall be adjourned by the Chairman to a place, time and date to be determined by the Chairman, being a date not less than fourteen (14) or more than twenty one (21) days after the date of the motion).
- (b) The Chairman shall, as soon as practicable after the adjournment of the meeting, advise the Secretary of the Foundation of the terms of such motion, and of the place, time and date to which the meeting of the Board has been adjourned.
- (c) The Secretary shall forthwith notify all members of the Committee of the information received from such Chairman.
- (d) A meeting of the Committee shall be convened as soon as practicable to prepare a written report on the matter in question.

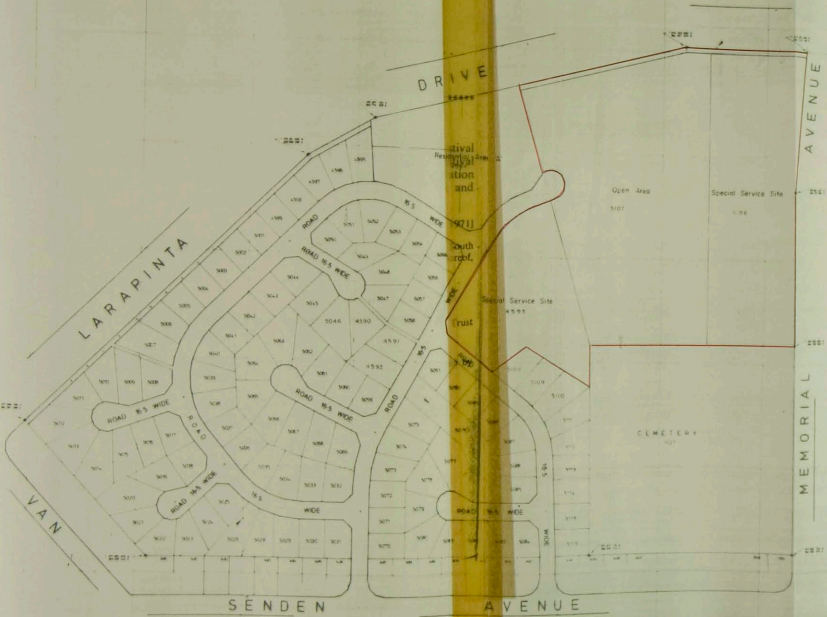
45. (e) The written report shall be presented to the meeting of the Board of Governors on the resumption of such meeting.
- (f) At such resumed meeting of the Board of Governors, the President, or any member of the Committee or of a sub-committee nominated by him for the purpose, may speak to explain the report and/or to answer any questions from members of the Board of Governors.
- (g) If the Board is satisfied with the report and explanation so tendered, the Board shall pass a motion rescinding its previous motion in relation to the same matter.
- (h) If the Board is not so satisfied with the report and explanation, the matter shall be decided at such resumed meeting of the Board of Governors by a simple majority of those members of the Board present and voting at such meeting. Any motion so passed shall thereafter be binding on the Committee and on all sub-committees.

PART XI - AMENDMENT OF THE CONSTITUTION: BY-LAWS

Alteration
to the
Constitution:

46. (a) This Constitution may be amended only by resolution passed at a General Meeting of members of the Foundation of which not less than fourteen (14) days Notice in writing has been given to each Member of the Foundation.
- (b) For the purpose of the last preceding sub-clause, all Members of the Board shall be deemed to be Members of the Foundation.
- (c) The text of the proposed amendment or amendments shall be given to each Member together with the Notice of the Meeting.
- (d) In relation to any particular General Meeting at which any amendment or amendments to this Constitution are to be considered, the Committee may, by resolution passed to that effect, deem publication of the Notice of Meeting and of the text of such amendments in a newspaper circulating in Alice Springs to be sufficient notice to Members of the Foundation residing within ten (10) kilometres of the Post Office at Alice Springs, and the publication of such information as aforesaid shall be deemed to be sufficient compliance with sub-clauses (a) and (b) of this clause in relation to such members as aforesaid.
- (e) A two-thirds majority of the Members present at the Meeting

46. (e) A two-thirds majority of the Members present and voting at the Meeting shall be required to effect an amendment to this Constitution.
47. (a) The Committee may from time to time make by-laws, not inconsistent with this Constitution, providing for or regulating any aspect or matter associated with the Foundation and the activities thereof.
- (b) Without in anywise limiting the generality of the powers in sub-clause, the Committee may make by-laws in relation to any of the following:-
- (i) The conduct of Meetings of the Board, the Committee, Sub-committees of the Foundation, and/or Meetings of the members of the Foundation as a whole;
 - (ii) the form and content of reports to be made to Meetings;
 - (iii) the adoption of any motto or logo to be used to represent the Foundation or in any written publication of the Foundation;
 - (iv) general policies as to the use of, or admission to, any property owned by or under the control of the Foundation;
 - (v) the form and use of proxies at any Meeting of the Board, the Committee, and Sub-committee, or a meeting of the members of the Foundation as a whole;
 - (vi) the quorum of Sub-committee Meetings, the quorum and procedure to be adopted at Meetings of the Board, the Committee, the Sub-committee or at a Meeting of the members of the Foundation as a whole;
 - (vii) the rights, powers and privileges and duties of any employee of the Foundation;
 - (viii) the expulsion of any Member of the Foundation for cause, and any procedures required to be fulfilled in relation thereto;
 - (ix) the procedure to be followed to conduct any elections required by this Constitution.





ANNO VICESIMO

ELIZABETHAE II REGINAE

A.D. 1971

No. 93 of 1971

An Act to establish and constitute the Adelaide Festival Centre Trust, to provide for the Adelaide Festival Centre and for the management and operation thereof and for matters connected therewith and incidental thereto.

[Assented to 3rd December, 1971]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

PART I

PART I

PRELIMINARY

Short title.

1. This Act may be cited as the "Adelaide Festival Centre Trust Act, 1971".

Commencement.

2. This Act shall come into operation on a day to be fixed by proclamation.

Arrangement of Act.

3. This Act is arranged as follows:—

PART I—PRELIMINARY

PART II—THE TRUST—

DIVISION I—CONSTITUTION OF THE TRUST

DIVISION II—POWERS, ETC., OF THE TRUST

DIVISION III—CONSTRUCTION OF DRAMA FACILITIES

PART III—FINANCIAL

PART IV—VESTING OF LAND

PART V—MISCELLANEOUS.

4. (1) In this Act unless the contrary intention appears—

Definitions.

"Drama Facilities" means a drama theatre, an amphitheatre and an experimental theatre:

"financial year" means any period of twelve months concluding on the thirtieth day of June, in a year:

"member of the Council" means the Lord Mayor of the City of Adelaide, an alderman of the Council or a councillor of the Council:

"officer of the Council" means an officer, as defined in section 5 of the Local Government Act, 1934, as amended, of the Council:

"the Centre" means the Adelaide Festival Centre comprised of the Festival Theatre, a drama theatre, an amphitheatre, an experimental theatre and all works and conveniences incidental thereto or necessary therefor including without limiting the generality of the expression all plazas, walks, parks, open spaces, roads and car parks connected with or comprised in the Adelaide Festival Centre:

"the Council" means the council of The Corporation of the City of Adelaide:

"the Trust" means the Adelaide Festival Centre Trust established by this Act:

"trustee" means a trustee of the Trust appointed under this Act and includes the chairman of the trustees appointed under this Act.

(2) In this Act—

(a) a reference to section 655 shall be read as a reference to the land in the hundred of Adelaide delineated on the plan in the schedule to the Adelaide Festival Theatre Act, 1964-1970, bounded by a line joining the points marked B, C, F, G, H and B on that plan;

(b) a reference to section 656 shall be read as a reference to the land in the hundred of Adelaide delineated on the plan in the schedule to the Adelaide Festival Theatre Act, 1964-1970, bounded by a line joining the points marked A, B, H, J, K, L, M and A on that plan;

and

- (c) a reference to section 672 shall be read as a reference to the land in the hundred of Adelaide delineated on the plan in the schedule to this Act bounded by a line joining the points marked A, B, C, D and A on that plan.

PART II

PART II
THE TRUST

DIVISION I—CONSTITUTION OF THE TRUST

Establishment
of the Trust.

5. (1) For the purposes of this Act, a body by the name of the "Adelaide Festival Centre Trust" is hereby established.

(2) The Trust—

- (a) shall be a body corporate with perpetual succession and a common seal;
- (b) subject to this Act, shall be capable of acquiring, taking or letting out on lease, holding, selling and otherwise disposing of real and personal property;
- (c) may in its corporate name and capacity sue and be sued; and
- (d) shall have the powers, duties, functions and authorities conferred, imposed or prescribed by or under this Act.

(3) Where a document purporting to bear the common seal of the Trust is produced before any court or person acting judicially that court or that person, as the case may be, shall, unless the contrary is proved, presume—

- (a) that the document purporting to bear the common seal of the Trust bears the common seal of the Trust; and
- (b) that the common seal was duly affixed.

Composition
of the Trust.

6. (1) Subject to this section, the Trust shall consist of six trustees appointed by the Governor of whom—

- (a) four shall be persons nominated by the Minister; and
- (b) two shall be persons nominated by the Council from amongst the members of the Council or the officers of the Council.

(2) From amongst the trustees appointed from the persons referred to in paragraph (a) of subsection (1) of this section the Governor shall appoint a trustee to be chairman of the trustees.

(3) If the Minister has given the Council notice in writing requiring the Council within the time specified in the notice (being not less than six weeks) to nominate a person or two persons for appointment as a trustee or two trustees under paragraph (b) of subsection (1) of this section and the Council fails to nominate the person or two persons required within the time specified, the Governor may, on the recommendation of the Minister, appoint a person as a trustee or two persons as trustees in place of the person or two persons in respect of the nomination of whom the failure occurred and that person or those two persons so appointed shall be deemed for all purposes to have been nominated under that paragraph.

(4) Every trustee shall, subject to this Act, hold office as such until the day expressed in the instrument of his appointment (not being more than three years from the day on which he was last appointed) as being the day on which he shall cease to hold office, but a trustee appointed to fill a casual vacancy in the office of a trustee shall hold office only for the unexpired portion of the term of office of the trustee in whose place he was appointed and no instrument of appointment shall provide for a term of appointment of a trustee that will continue after he has attained his seventieth birthday.

(5) On the expiration of his term of appointment as a trustee, a former trustee shall, subject to subsection (1) of this section be eligible for re-appointment.

7. Notwithstanding any other Act or law, a person shall not be disqualified by appointment as a trustee from holding office as a trustee and also any other office or place or from accepting or retaining any fees or other remuneration provided for by or under this Act, or otherwise, in respect of his service as a trustee.

Acceptance of office as a trustee not to be a bar to the holding of any other office.

8. The Governor may, by notice in writing served on a trustee remove the trustee from office on grounds of misconduct or incapacity to perform his duties and functions as a trustee.

Removal from office of trustee.

9. (1) The office of a trustee shall become vacant if—

(a) he dies;

(b) he resigns by written notice given to the Minister;

(c) he is removed from office by the Governor pursuant to section 8 of this Act;

Casual vacancies.

- (d) he is absent without leave of the Minister from three consecutive meetings of the Trust;
- (e) he becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors or compounds with his creditors for less than one hundred cents in the dollar;
- (f) he is convicted of any indictable offence;
- or
- (g) he is convicted of any other offence and receives notice in writing from the Minister discharging him from office on the ground of that conviction.
- (2) The office of a trustee, being a trustee nominated by the Council pursuant to paragraph (b) of subsection (1) of section 6 of this Act, shall become vacant if—
- (a) the trustee ceases to be a member of the Council or, as the case may be, ceases to be an officer of the Council;
- and
- (b) the trustee has not within one month from so ceasing to be a member of the Council or, as the case may be, so ceasing to be an officer of the Council, again become such a member or officer.

Common seal,
meetings and
quorum.

10. (1) The common seal of the Trust shall not be affixed to any instrument except in pursuance of a resolution of the Trust.

(2) Any instrument executed in pursuance of such a resolution shall be attested by the signature of any two trustees.

(3) The procedure for the calling of meetings of the Trust and for the conduct of business at such meetings shall, subject to this Act, be as determined by the Trust.

(4) Any four trustees shall constitute a quorum at any meeting of the Trust and any duly convened meeting at which a quorum is present shall be competent to transact any business of the Trust and shall have and may discharge all the powers, duties and functions of the Trust.

(5) A decision carried by the majority of the votes cast by the trustees present at a meeting of the Trust shall be the decision of the Trust.

(6) The Trust shall cause accurate minutes to be kept of its proceedings at meetings.

11. A trustee shall, if the Governor thinks fit, be paid such fees or other remuneration as may from time to time be fixed by the Governor and shall be entitled to receive such travelling and other expenses as are from time to time approved by the Minister.

12. (1) The Trust may by instrument over its common seal delegate to not less than two trustees any of the powers and functions conferred on the Trust by or under this Act (except this power of delegation) so that the delegated powers and functions may be exercised by the delegates with respect to the matters or matters of a class or in relation to a locality specified in the instrument of delegation.

Delegation of powers to trustees.

(2) A delegation under subsection (1) of this section is revocable in writing at will and no delegation shall prevent the exercise of any power or function by the Trust conferred on it by or under this Act.

(3) Notwithstanding anything in this Act, where the delegates are unanimous in the exercise or performance of any power or function delegated under subsection (1) of this section the exercise or performance of that power or function by the delegates shall for the purposes of this Act or of any proceedings under this Act be deemed to be an exercise or performance of that power or function by the Trust.

13. (1) The chairman of the trustees shall preside at all meetings of the Trust at which he is present and in addition to a deliberative vote, shall, in the event of equality of votes, have a second or casting vote.

Chairman and presiding trustee.

(2) In the absence of the chairman of the trustees from any meeting of the Trust the trustees present shall, from amongst their own number, elect a trustee to preside at that meeting and at that meeting the trustee so elected shall have and may exercise the powers and functions conferred on the chairman of the trustees by this section.

14. No act, proceedings or determination of the Trust shall be invalid on the ground only of any vacancy in the office of any trustee or of any defect in the appointment of any trustee.

Validity of acts, etc., of Trust.

15. (1) The Trust may appoint a person to be the secretary to the Trust.

Secretary to the Trust.

(2) The secretary to the Trust shall have and may exercise, perform and carry out such powers, functions and duties as are conferred on him by or under this Act or as are directed to be exercised, performed or carried out by the Trust.

PART II

Trustees not, as such, subject to Public Service Act.

16. A trustee shall not, as such, be subject to the Public Service Act, 1967, as amended, but this section does not affect the rights, duties and obligations under that Act of any trustee who is otherwise an officer in the public service of the State.

Trustee to declare interest.

17. Where a trustee becomes aware that he has a financial interest in any matter before the Trust he shall not—

(a) refuse or fail to declare that interest to the secretary to the Trust;

or

(b) act as such a trustee in relation to any such matter.

Penalty: Five hundred dollars.

Certain property to vest in the Trust.

18. All real and personal property comprised in the Centre, not being real or personal property that is pursuant to section 4 of the Adelaide Festival Theatre Act, 1964-1970, vested in the Council, shall vest in and belong to the Trust.

DIVISION II—POWERS, ETC., OF THE TRUST

Trust subject to general control and direction of the Minister.

19. In the exercise and discharge of its powers, duties and functions and authorities the Trust shall, except where the Trust makes or is required to make a recommendation to the Minister, be subject to the general control and direction of the Minister.

Objects, powers, etc., of Trust.

20. (1) Subject to this Act the Trust is charged with the responsibility of—

(a) encouraging and facilitating artistic, cultural and performing arts activities throughout the State;

and

(b) without limiting the generality of the foregoing, the care, control, management, maintenance and improvement of the Centre and of all things necessary for, incidental and ancillary to such care, control, management, maintenance and improvement.

(2) Without limiting the generality of the provisions of subsection (1) of this section the Trust may in the furtherance of its objects—

(a) make available on such terms as it sees fit any building or facility comprised in the Centre for any purpose for which, in the opinion of the Trust, that building or facility is suited;

- (b) enter into any contract, agreement or arrangement with any person or body whether corporate or unincorporate for the purpose of the exercise of its powers or functions;
 - (c) provide or cause to be provided meals, refreshments, and catering services in connection with the use of any building or facility within the Centre;
 - (d) authorize, on such terms and conditions as it sees fit, any person to sell any wares within the Centre;
 - (e) acquire any patents or licences which in the opinion of the Trust will assist in the Trust exercising and discharging its powers and functions and may sell or otherwise dispose of any such patents or licences;
 - (f) give or contribute towards prizes in competitions designed to encourage artistic, cultural and performing arts activity within the State or make grants and give other assistance for such purposes;
- and
- (g) do any or all things whether or not of the same kind as the foregoing which in the opinion of the Trust will effectuate the objects of the Trust.

21. (1) For the purposes of this Act the Trust may employ such officers and servants as it thinks necessary. Employment of officers, servants, etc.

(2) The terms and conditions of employment of its officers or servants shall be as determined by the Trust.

(3) Without limiting the generality of subsection (2) of this section, the Trust may, with the approval of the Minister, determine that, for the purposes of the accrual of, or the payment of a lump sum in lieu of the grant of, long service leave or for the purposes of the accrual of leave on account of illness, previous service of an officer or servant of the Trust with an employer other than the Trust for the purposes and to the extent approved of by the Minister shall be regarded as service as an officer or servant of the Trust.

(4) For the purposes of this section the Trust may enter into an arrangement or supplementary arrangement of a kind contemplated by section 6 of the Superannuation Act, 1969, as amended, with the South Australian Superannuation Board.

22. The Trust may, with the approval of the Minister and the consent of the Minister controlling any department of the public service of the State and on such terms as may be mutually arranged make use of the services of any of the officers or employees of that department. Trust may make use of services of employees of public service.

PART II

Arrangement
with the
Council for
the management
of the Festival
Theatre.

23. The Trust may enter into an arrangement with the Council upon such terms as are approved of by the Minister to perform and exercise on behalf of the Council the powers and functions in relation to the care, control and management of the Festival Theatre conferred on the Council by section 4 of the Adelaide Festival Theatre Act, 1964-1970, and the Trust may so perform or exercise any such powers and functions under and in accordance with any such arrangement.

DIVISION III—CONSTRUCTION OF DRAMA FACILITIES

Construction
of Drama
Facilities.

24. (1) The Trust may, subject to this Act, out of moneys to be provided by Parliament for the purpose or out of moneys borrowed pursuant to section 26 of this Act, construct and provide, on land within the City of Adelaide vested in the Trust or which may be vested in the Trust, Drama Facilities and buildings to be used therewith and may provide the furniture, instruments, fittings and equipment thereof or therefor and carry out and construct all works and conveniences incidental to or necessary for any of the foregoing and may construct and provide any works and conveniences incidental to or necessary for the Festival Theatre.

(2) The Drama Facilities and associated works and conveniences shall be constructed and provided in accordance with designs approved by the Minister and the designs shall set forth and contain such particulars as the Minister may require.

(3) The works authorized by this section shall not be a public work as defined in section 3 of the Public Works Standing Committee Act, 1927, as amended.

PART III

Trust to keep
proper
accounts.

PART III
FINANCIAL

25. (1) The Trust shall keep proper accounts showing accurately and in detail all its financial transactions, assets and liabilities.

(2) The Auditor-General, may at any time examine the accounts of the Trust and shall, as soon as practicable after the end of each financial year make a report to the Minister on the state of the affairs of the Trust as at the end of that financial year.

(3) The Minister shall cause every report of the Auditor-General made in accordance with subsection (2) of this section to be laid before each House of Parliament within fourteen days of his receipt thereof if Parliament is then in session or if Parliament is not then in session within fourteen days of the commencement of the next session of Parliament.

26. (1) The Trust may, for the purposes of exercising or performing its powers and functions under this Act, borrow money at interest from any person upon such security (if any) by way of mortgage or charge over any of the assets of the Trust, as the Trust may think fit to grant.

Power to borrow.

(2) The Treasurer may upon such terms and conditions as he thinks fit guarantee the repayment on any moneys (together with interest thereon) borrowed by the Trust under this section.

(3) Any moneys required to be paid in satisfaction of a guarantee given pursuant to subsection (2) of this section may be paid out of the general revenue of the State which is hereby to the necessary extent appropriated accordingly.

27. (1) The moneys required by the Trust for the purposes of the exercise and performance of its powers and functions under this Act shall be—

Funds of the Trust.

- (a) all moneys received by the Trust in the exercise and performance of its powers or functions;
- (b) all moneys borrowed by the Trust pursuant to section 26 of this Act;
- (c) all moneys being gifts to the Trust or derived from the disposition by the Trust of gifts to the Trust;
- (e) *and all moneys made available to the Trust by the gift of the Commonwealth.*
- (d) all moneys paid to the Trust by way of grants by the Treasurer out of moneys to be provided by Parliament for the purpose.

(2) Such of the moneys of the Trust as are not immediately required by the Trust may be lodged on deposit with the Treasurer or invested in any other manner approved of by the Treasurer.

28. (1) As soon as practicable after the commencement of this Act the Trust shall present to the Minister a budget showing its estimates of revenue and expenditure over the balance of the financial year within which the budget is presented and thereafter the Trust shall before the commencement of each succeeding financial year present to the Minister a budget showing its estimates of its revenue and expenditure for that succeeding financial year.

Budget.

(2) The Minister may approve of any budget presented to him pursuant to subsection (1) of this section or may direct or allow the Trust to amend a budget before so approving of the budget.

(3) The Trust shall not, without the consent of the Minister, incur any expenditure that is not authorized by an approved budget.

(4) In this section—

“approved budget” means a budget that has been approved of by the Minister or a budget that, having been amended, has been approved of by the Minister.

PART IV

PART IV

VESTING OF LAND

Vesting of
certain land
in the Trust.

29. Section 655, section 656 and section 672 shall on and from the commencement of this Act, by force of this section, vest in the Trust for an estate in fee simple freed and discharged from any trust, estate, right, title, interest, claim or demand of any description whatsoever.

Duty of the
Registrar-
General.

30. (1) The Registrar-General shall upon the application of the Trust, upon being furnished with such information as he considers necessary, cause to be made such entries and endorsements in any register book or other record in his custody and on any document of title and cause to be issued such certificates of title as he considers appropriate for giving full effect to section 29 of this Act without being obliged to make any further investigation of title or to make any public advertisement.

(2) In this section “the Registrar-General” means the person for the time being holding the office of Registrar-General under the Real Property Act, 1886, as amended, or the Registrar-General of Deeds under the Registration of Deeds Act, 1935, as amended.

(3) Notwithstanding anything contained in the Succession Duties Act, 1929, as amended, no succession duty shall be payable in respect of any property or interest passing to the Trust on or by reason of the death of any person, and any such property shall not be subject to succession duty under that Act.

(4) Notwithstanding anything in the Gift Duties Act, 1968, as amended, no gift duty under that Act shall be payable in respect of the gift of any real or personal property to the Trust.

Summary
procedure for
offences.

34. Proceedings for offences against this Act shall be disposed of summarily.

Regulations.

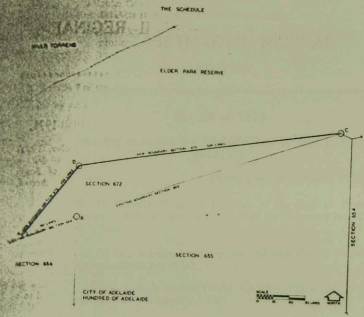
35. (1) The Governor may, on the recommendation of the Trust, make such regulations as are necessary or expedient for the purposes of giving effect to the provisions or objects of this Act.

(2) Without limiting the generality of the provisions of subsection (1) of this section, the regulations may—

- (a) provide for the disposition by the Trust of any unclaimed property left in or on the Centre;
- (b) provide for the securing of decency and order in or on the Centre;
- (c) prohibit or regulate the taking of intoxicating liquor into or onto the Centre;
- (d) provide for and regulate the movement and parking of motor vehicles in and about the Centre;

and

- (e) provide for and prescribe penalties, in each case, not exceeding two hundred dollars, for a contravention of or failure to comply with any provision of the regulations.



In the name and on behalf of Her Majesty, I hereby assent to this Bill.

M. L. OLIPHANT, Governor



ANNO VICESIMO SECUNDO

ELIZABETHAE II REGINAE

A.D. 1973

No. 66 of 1973

An Act to amend the Adelaide Festival Theatre Act,
1964-1970.

[Assented to 6th December, 1973]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

Short title.

1. (1) This Act may be cited as the "Adelaide Festival Theatre Act Amendment Act, 1973".

(2) The Adelaide Festival Theatre Act, 1964-1970, is hereinafter referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Adelaide Festival Theatre Act, 1964-1973".

Commence-
ment.

2. This Act shall come into operation on a day to be fixed by proclamation.

Amendment of
principal Act,
s. 2—
Interpretation.

3. Section 2 of the principal Act is amended by inserting immediately after the definition of "the trustees" the following definition:—

"the vesting day" means the vesting day fixed pursuant to section 28a of the Adelaide Festival Centre Trust Act, 1971-1973.

4. Section 3 of the principal Act is amended by inserting in subsection (4) after the passage "the Festival Theatre" the passage "where that cost was incurred before the vesting day".

Amendment of principal Act, s. 3—
Power to contract Festival Theatre.

5. Section 4 of the principal Act is amended by striking out the word "The" being the first word in that section and inserting in lieu thereof the passage "Until the vesting day, the".

Amendment of principal Act, s. 4—
Vesting and control of Festival Theatre.

6. Section 7 of the principal Act is amended—

Amendment of principal Act, s. 7—
Further financial provision.

(a) by inserting in subsection (1) after the passage "an amount" the passage "with any amount so paid pursuant to this section as in force before the commencement of the Adelaide Festival Theatre Act Amendment Act, 1973,";

(b) by striking out from subsection (1) the figures "\$3,950,000" and inserting in lieu thereof the passage ", in the aggregate, \$4 900 000";

(c) by striking out subsection (2);

(d) by striking out from subsection (3) the passage "subsection (2) and subsection (4) of";
and

(e) by striking out subsection (4) and inserting in lieu thereof the following subsection:—

(4) If the Treasurer is satisfied that the amount expended by the council in the exercise of the powers conferred on it by section 3 of this Act exceeds \$7 000 000 as a consequence of an alteration of or addition to the Festival Theatre approved of by the Treasurer the Treasurer may in addition to the amounts authorized by this section to be paid to the council pay to the council an amount equal to the cost to the council of those alterations or additions.

7. The following sections are enacted and inserted in the principal Act immediately after section 7 thereof:—

Enactment of ss. 7a and 7b of principal Act—

7a. (1) On and after the vesting day no further moneys shall be payable by the Treasurer to the council pursuant to section 7 of this Act except any such moneys as are required to be so paid by the Treasurer to satisfy any liability incurred by the Treasurer pursuant to that section before the vesting day.

Financial arrangements consequential on the vesting of the Theatre in the Adelaide Festival Centre Trust.

(2) Nothing in subsection (1) of this section shall affect any liability of the council—

(a) to make the payments to the Treasurer as are required by subsection (4) of section 5 of this Act as modified by paragraph (a) of subsection (2) of section 6 of this Act;

and

(b) to make payment to the Treasurer as required by subsection (4) of section 6 of this Act.

Payment by
Treasurer.

7b. The Treasurer may pay to A. V. Jennings Industries (Australia) Limited, in this section referred to as "the Company", an amount not exceeding \$42 840 in accordance with an arrangement entered into by the Treasurer and the Company with respect to certain expenditure incurred by the Company in relation to overtime payments in connection with the construction of the Festival Theatre.

Repeal of
s. 8 of
principal Act.

8. Section 8 of the principal Act is repealed.

Amendment of
principal Act,
s. 17—
The Adelaide
Festival
Theatre Appeal
Fund, etc.

9. Section 17 of the principal Act is amended by inserting immediately after subsection (4) the following subsections:—

(4a) As soon as practicable after the vesting day the trustees shall pay to the Adelaide Festival Centre Trust, established by the Adelaide Festival Centre Trust Act, 1971-1973, the balance, if any, of the moneys standing to the credit of the fund on that day and the receipt of the Trust for any moneys so paid shall be a good and sufficient discharge to the trustees.

(4b) On and from the vesting day all works of art, purchased or acquired by the council out of moneys provided from the fund, shall vest in and belong to the Adelaide Festival Centre Trust.

(4c) All moneys received by the Adelaide Festival Centre Trust from the trustees of the fund pursuant to subsection (4a) of this section, shall, by force of this subsection, pass to the Trust freed from any trust and shall be used and applied by the Trust for the purchase or acquisition of works of art for or in connection with the Festival Theatre or for any purpose ancillary to that purchase or acquisition.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

M. L. OLIPHANT, Governor



ANNO VICESIMO SECUNDO

ELIZABETHAE II REGINAE

A.D. 1973

No. 65 of 1973

An Act to amend the Adelaide Festival Centre Trust Act, 1971-1972.

[Assented to 6th December, 1973]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. (1) This Act may be cited as the "Adelaide Festival Centre Trust Act Amendment Act, 1973". Short title.

(2) The Adelaide Festival Centre Trust Act, 1971-1972, is hereinafter referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Adelaide Festival Centre Trust Act, 1971-1973".

2. This Act shall come into operation on a day to be fixed by proclamation. Commencement.

3. Section 3 of the principal Act is amended by inserting after the passage "PART III—FINANCIAL" the passage "PART IIIA—VESTING OF FESTIVAL THEATRE". Amendment of principal Act, s. 3—Arrangement of Act.

4. Section 4 of the principal Act is amended—

(a) by inserting in subsection (1) after the definition of "the Council" the following definition:— Amendment of principal Act, s. 4—Interpretation.

"the Festival Theatre" means the Festival Theatre, buildings, furniture, instruments, fittings and equipment, works and conveniences authorized by the Adelaide Festival Theatre Act, 1964-1973, to be constructed and provided;

(b) by inserting in subsection (1) after the definition of "the Trust" the following definition:—

"the vesting day" means the vesting day fixed by the Governor pursuant to section 28a of this Act;

(c) by inserting in subsection (2) immediately before paragraph (a) the following paragraph:—

(aa) a reference to section 654 shall be read as a reference to the land in the hundred of Adelaide delineated on the plan in the schedule in the Adelaide Festival Theatre Act, 1964-1973, bounded by a line joining the points marked C, D, E, F and C on that plan;

(d) by striking out from subsection (2) the word "and" immediately following paragraph (b);

(e) by inserting in paragraph (c) of subsection (2) after the passage "plan in the" the word "first";

and

(f) by inserting in subsection (2) immediately after paragraph (c) the following word and paragraph:—

and

(d) a reference to section 657 shall be read as a reference to the land in the hundred of Adelaide delineated on the plan in the second schedule to this Act bounded by a line joining the points marked A, B, C, D, E and A on the plan.

Amendment of
principal Act,
s. 23—

Arrangements
with the
Council for the
management
of the Festival
Theatre.

5. Section 23 of the principal Act is amended by inserting after the passage "on behalf of the Council" the passage ", until the vesting day,".

Amendment of
principal Act,
s. 27—

Funds of the
Trust.

6. Section 27 of the principal Act is amended by inserting immediately after paragraph (c) the following paragraph:—

(ca) all moneys made available to the Trust by the Government of the Commonwealth;

Enactment of
Part IIIA of
principal Act—

7. The following Part, heading and sections are enacted and inserted in the principal Act immediately after section 28 thereof:—

PART IIIA

VESTING OF FESTIVAL THEATRE

Vesting day^a

28a. (1) Subject to this section the Governor may, by proclamation, fix a day to be the vesting day for the purposes of this Act.

(2) The Governor shall not make a proclamation under this section until the Treasurer has certified—

(a) that arrangements of a kind referred to in subsection (1) of section 28b of this Act have been entered into between the Trust and the Council;

and

(b) that the Treasurer is satisfied with those arrangements.

28b. (1) As soon as practicable after the commencement of the Adelaide Festival Centre Trust Act Amendment Act, 1973, the Trust and the Council shall, subject to this section, enter into such arrangements as are necessary or expedient for the purposes of—

(a) the discharge by the Council of the obligations, including financial obligations, imposed on it by or under the Adelaide Festival Theatre Act, 1964-1973, in connection with the carrying out of and giving effect to section 3 of that Act in so far as those obligations relate to matters arising before the vesting day;

and

(b) the assumption by the Trust of the obligations, including financial obligations, other than the liability of the Council referred to in subsection (2) of section 7a of the Adelaide Festival Theatre Act, 1964-1973, that had the Adelaide Festival Centre Trust Act Amendment Act, 1973, not been enacted would have been imposed on the Council under the Adelaide Festival Theatre Act, 1964-1970, in connection with the carrying out of and giving effect to section 3 of that Act in so far as those obligations would have related to matters arising on or after the vesting day.

(2) The amount payable by the Council pursuant to any arrangements under subsection (1) of this section, when aggregated with all other amounts paid by the Council pursuant to the Adelaide Festival Theatre Act, 1964-1973, in connection with the carrying out and giving effect to section 3 of that Act other than any amounts paid in satisfaction of any liability of the Council referred to in subsection (2) of section 7a of that Act after deducting all amounts paid to the Council by the Treasurer under section 7 of that Act, shall not exceed in total the sum of \$2 100 000 which amount includes an amount of \$200 000 paid to the Council by the Government of the Commonwealth and the amount of \$100 000 referred to in paragraph (a) of subsection (4) of section 17 of that Act.

Vesting of
Festival
Theatre.

Enactment of
ss. 29a and
29b of
principal Act—

Vesting of
section 657.

Vesting of
section 654.

Amendment of
principal Act,
s. 30—
Duty of
Registrar-
General.

Amendment of
principal Act,
s. 31—
Assessed value
of Trust
property.

Amendment of
schedule of
principal Act.

Enactment of
second
schedule of
principal Act.

(3) Notwithstanding any Act or law (including this Act) to the contrary the Trust and the Council shall each have power to enter into, carry out and give effect to any arrangements referred to in subsection (1) of this section.

28c. On and from the vesting day the Festival Theatre shall vest in and belong to the Trust.

8. The following sections are enacted and inserted in the principal Act immediately after section 29 thereof:—

29a. Section 657 shall on and from the commencement of the Adelaide Festival Centre Trust Act Amendment Act, 1973, by force of this section, vest in the Trust for an estate in fee simple freed and discharged from any trust, estate, right, title, interest, claim or demand of any description whatsoever.

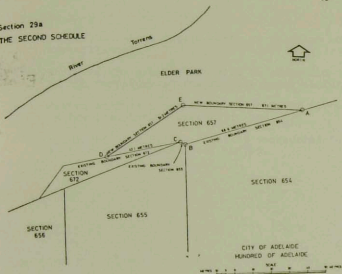
29b. Section 654 shall on and from the vesting day, by force of this section, vest in the Trust for an estate in fee simple freed and discharged from any trust, estate, right, title, interest, claim or demand of any description whatsoever.

9. Section 30 of the principal Act is amended by striking out from subsection (1) the passage "section 29 of this Act" and inserting in lieu thereof the passage "the vesting of land pursuant to this Part".

10. Section 31 of the principal Act is amended by striking out the passage "other than real property comprised in the Festival Theatre as defined in the Adelaide Festival Theatre Act, 1964-1970".

11. The schedule to the principal Act is amended by striking out the passage "THE SCHEDULE" and inserting in lieu thereof the passage "THE FIRST SCHEDULE".

12. The following schedule is enacted and inserted in the principal Act immediately after the first schedule to the principal Act:—

Section 29a
THE SECOND SCHEDULE

In the name and on behalf of Her Majesty, I hereby assent
to this Bill.

M. L. OLIPHANT, Governor