

CANBERRA THEATRE TRUST

No. 7 of 1965

An Ordinance to establish the Canberra Theatre Trust.

PART I.—PRELIMINARY.

1. This Ordinance may be cited as the *Canberra Theatre Trust Ordinance* 1965.* Short title.

2. This Ordinance is divided into Parts, as follows:—

Parts.

Part I.—Preliminary (Sections 1-3).

Part II.—Establishment and Constitution of the Trust (Sections 4-13).

Part III.—Meetings of the Trust (Sections 14-16).

Part IV.—Functions and Powers of the Trust (Sections 17-23).

Part V.—Finance (Sections 24-29).

Part VI.—Reports (Sections 30-32).

3. In this Ordinance, unless the contrary intention appears—

Definitions.

“acting trustee” means a person, appointed under section 9 of this Ordinance, who is acting in place of a trustee;

“approved bank” means the Reserve Bank of Australia or another bank approved by the Treasurer for the purposes of the provision in which the expression occurs;

“artistic” means pertaining to the arts;

“by-laws” means by-laws made under section 23 of this Ordinance;

“theatre equipment” includes furniture, furnishings, fittings, plant, equipment and chattels suitable or convenient for auditoriums, theatres, concert halls, and places of assembly, and for their ancillary facilities and sites;

* Made on 18 June, 1965; notified in the *Commonwealth Gazette* and commenced on 21 June, 1965

“ the arts ” includes any of the branches of the musical, operatic, dramatic, terpsichorean, visual or auditory arts;

“ the Canberra Theatre Centre ” means the land described in the Schedule to this Ordinance and any buildings, structures and other improvements on that land;

“ the Chairman ” means the Chairman of the Trust;

“ the Deputy Chairman ” means the Deputy Chairman of the Trust;

“ the Trust ” means the Canberra Theatre Trust established under this Ordinance;

“ trustee ” means a member of the Trust, and includes the Chairman, the Deputy Chairman and an acting trustee.

PART II.—ESTABLISHMENT AND CONSTITUTION OF THE TRUST.

Establishment
of the Trust.

4.—(1.) There is hereby established a body by the name of the Canberra Theatre Trust.

(2.) The Trust—

(a) is a body corporate, with perpetual succession;

(b) shall have a common seal;

(c) is capable of acquiring, holding and disposing of real and personal property; and

(d) may sue and be sued in its corporate name.

(3.) All courts, judges and persons acting judicially shall take judicial notice of the common seal of the Trust affixed to a document and shall presume that it was duly affixed.

Independence
of the Trust.

5. It is not the intention of this Ordinance that the Trust shall be, or shall be regarded as, for any purpose, the servant or agent of the Executive Government of the Commonwealth.

Constitution
of the Trust.

6.—(1.) The Trust shall consist of nine trustees who shall be appointed by the Minister, and notice of any such appointment shall be published in the *Gazette*.

(2.) Subject to this Ordinance, a trustee shall hold office for such period, not exceeding five years, as the Minister specifies in the notice of his appointment.

(3.) A trustee is eligible for re-appointment.

(4.) The performance of the functions or the exercise of the powers of the Trust is not affected by reason only of there being a vacancy or vacancies in the membership of the Trust.

7.—(1.) The Minister shall appoint a trustee to be the Chairman of the Trust. Chairman
and Deputy
Chairman of
the Trust.

(2.) The Minister shall appoint a trustee to be the Deputy Chairman of the Trust.

(3.) A trustee appointed as the Chairman or Deputy Chairman shall hold office as such until the appointment of another trustee as the Chairman or Deputy Chairman, as the case may be, until the expiration of the period of his appointment as trustee or until he otherwise ceases to be a trustee, whichever first happens.

(4.) Where a trustee appointed as the Chairman or Deputy Chairman is, upon ceasing to be the Chairman or Deputy Chairman, as the case may be, by virtue of the expiration of the period of his appointment as a trustee, re-appointed as a trustee, he is eligible for re-appointment as the Chairman or Deputy Chairman.

8. The Minister may grant leave of absence to a trustee upon such terms and conditions as to remuneration or otherwise as the Minister determines. Leave of
absence.

9.—(1.) A trustee to whom the Minister has granted leave of absence under the last preceding section may appoint a person to act in his place during the period of his absence, but not for a period of more than three months, or, with the consent of the Minister, six months. Acting trustees.

(2.) Where—

(a) a trustee to whom the Minister has granted leave of absence under the last preceding section fails to appoint a person to act in his place before the commencement of that leave; or

(b) a person appointed as an acting trustee resigns or otherwise ceases to act in place of a trustee before the expiration of the period for which he was appointed,

the Minister may appoint a person to act, subject to this section, in the place of the trustee during the whole or a part of the period of absence of the trustee, and notice of any such appointment shall be published in the *Gazette*.

(3.) A person appointed to act in place of a trustee has all the powers and duties of a trustee.

Removal of trustees or acting trustees.

10.—(1.) The Minister may, by writing under his hand, remove a trustee from office.

(2.) Notice of any such removal shall be published in the *Gazette*.

Resignation of trustees.

11.—(1.) A trustee may resign his office by writing under his hand addressed to the Minister.

(2.) The Chairman or the Deputy Chairman may, by writing under his hand addressed to the Minister, resign his office as the Chairman or the Deputy Chairman.

Vacation of office.

12.—(1.) If a trustee—

- (a) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit;
- (b) is absent, except on leave granted by the Minister, from three consecutive meetings of the Trust; or
- (c) fails to comply with his obligations under the next succeeding sub-section,

the Minister shall, by notice published in the *Gazette*, remove the trustee from office.

(2.) A trustee who is directly or indirectly interested in a contract made or proposed to be made by the Trust (otherwise than as a member, and in common with the other members, of an incorporated company consisting of not less than twenty-five persons) shall, as soon as possible after the relevant facts have come to his knowledge, disclose the nature of his interest at a meeting of the Trust.

(3.) A disclosure under the last preceding sub-section shall be recorded in the minutes of the Trust and the trustee—

- (a) shall not take part after the disclosure in any deliberation or decision of the Trust with respect to that contract; and
- (b) shall be disregarded for the purpose of constituting a quorum of the Trust for that deliberation or decision.

13. The Chairman, the Deputy Chairman and other trustees shall be paid such remuneration, by way of fees or otherwise, as the Minister determines. Fees, &c., of trustees.

PART III.—MEETINGS OF THE TRUST.

14. The Trust shall determine the manner in which meetings are called and the places and times at which meetings are held. Meetings of the Trust.

15.—(1.) The Chairman shall preside at all meetings of the Trust at which he is present. Presiding at meetings.

(2.) In the event of the absence of the Chairman from a meeting of the Trust, the Deputy Chairman shall preside at the meeting.

(3.) In the absence of both the Chairman and the Deputy Chairman from a meeting of the Trust, the trustees present shall elect one of their number to preside at the meeting.

16.—(1.) At a meeting of the Trust— Procedure at meetings.

(a) six trustees constitute a quorum;

(b) a question arising at the meeting shall be decided by a majority of votes of the trustees present and voting; and

(c) the person presiding at the meeting may exercise a deliberative vote and, in the event of an equality of votes, may also exercise a casting vote.

(2.) Subject to this Ordinance, the procedure of the Trust at its meetings shall be as the Trust determines.

(3.) The Trust shall keep a record of its proceedings at meetings.

PART IV.—FUNCTIONS AND POWERS OF THE TRUST.

17. The functions of the Trust are— Functions of the Trust.

(a) subject to this Ordinance and to any conditions imposed under section 19 of this Ordinance, to occupy the Canberra Theatre Centre, and to use and manage it as a concert hall, theatre and place of assembly for the presentation of artistic and cultural entertainments, displays and exhibitions and other forms of entertainment and instruction;

(b) as incidental to the performance of the functions referred to in the last preceding paragraph—

(i) to promote and encourage the development and presentation of the arts; and

- (ii) to promote and encourage public interest and participation in, and appreciation of, the arts; and
- (c) to the extent that the Canberra Theatre Centre is not required for the purposes of the performance of the foregoing functions, to make it available for public and other meetings, and for conventions, receptions and other gatherings.

Powers of the Trust.

18.—(1.) Subject to this Ordinance, the Trust has power to do all things necessary or convenient to be done in connexion with, or as incidental to, the performance of its functions.

(2.) Without limiting the generality of the last preceding subsection, the powers of the Trust include power—

- (a) to engage, and enter into contracts for the appearance of, artists, entertainers, lecturers and performers;
- (b) to purchase theatre equipment and install and use that equipment in the Canberra Theatre Centre;
- (c) to grant rights to use the whole or a part of the Canberra Theatre Centre to a person or body of persons subject to such charges and other terms and conditions as the Trust thinks fit;
- (d) to make charges for admission to entertainments or other functions held by the Trust;
- (e) to grant rights to televise, broadcast, film or record entertainments or other functions at the Canberra Theatre Centre subject to such charges and other terms and conditions as the Trust thinks fit; and
- (f) to carry on, and to authorize (subject to such charges and other terms and conditions as the Trust thinks fit) other persons to carry on, the business of refreshment purveyors, caterers, tobacconists, confectioners and any like business at the Canberra Theatre Centre.

Right of occupy and use Canberra Theatre Centre.

19. The Minister shall, on behalf of the Commonwealth, subject to acceptance by the Trust of such conditions (including conditions as to maintenance of the Canberra Theatre Centre and property of the Commonwealth) as the Minister thinks necessary, grant to the Trust by writing under his hand the right to occupy and use the Canberra Theatre Centre for the purposes of its functions under this Ordinance.

Powers of Minister with respect to policy.

20. The Minister may give directions to the Trust as to the general policy to be adopted by the Trust in relation to any matter, and the Trust shall comply with any such direction.

21.—(1.) The Trust may, either generally or in relation to a matter or class of matters, by writing under its common seal, delegate all or any of its powers under this Ordinance (except this power of delegation). Delegation of powers of Trust.

(2.) A power so delegated may be exercised by the delegate in accordance with the instrument of delegation.

(3.) A delegation under this section is revocable at will and does not prevent the exercise of a power by the Trust.

22.—(1.) The Trust may employ such persons as it thinks necessary for the purposes of this Ordinance. Employment of staff.

(2.) The terms and conditions of employment (including remuneration) of persons employed under this section shall be such as are, subject to any directions of the Minister, determined by the Trust.

23.—(1.) The Trust may, under its common seal and with the approval of the Minister, make by-laws, not inconsistent with this Ordinance, for or in connexion with the management and control of the Canberra Theatre Centre and, in particular, providing for and in relation to— By-laws.

(a) the regulation or prevention of the possession, supply and consumption of liquor within the meaning of the *Liquor Ordinance* 1929-1965 at the Canberra Theatre Centre;

(b) the regulation of admission of persons to, the removal of persons from, and the conduct of persons in, the Canberra Theatre Centre; and

(c) the provision of penalties not exceeding a fine of Fifty pounds for a breach of the by-laws.

(2.) Subject to this section, by-laws have the force of law and shall be deemed to be regulations for the purposes of the provisions of the *Interpretation Ordinance* 1937-1959.

(3.) By-laws shall be printed and numbered consecutively in the order in which they are notified in the *Gazette* and not in series with regulations under other Ordinances.

(4.) The production of a copy of by-laws under the common seal of the Trust, or of a copy of a document purporting to be a copy of by-laws and to have been printed by the Government Printer, shall, in all proceedings, be sufficient evidence of the by-laws.

(5.) A prosecution for a breach of the by-laws shall not be instituted except by a person authorized by the Trust to institute such prosecutions.

(6.) Where a person is convicted of a breach of the by-laws, the court may, in addition to any other penalty imposed by the court for that breach, order the person to pay to the Trust the amount of any damage to the Canberra Theatre Centre or property of the Trust or of the Commonwealth done by him in committing the breach, or the cost of restoring or repairing any such damage, and the amount so ordered to be paid shall be recoverable as if it were part of a penalty so imposed notwithstanding that the amount ordered to be paid together with the penalty exceeds Fifty pounds.

PART V.—FINANCE.

Bank accounts. 24.—(1.) The Trust shall open and maintain an account or accounts with an approved bank or approved banks, and shall at all times maintain at least one such account.

(2.) The Trust shall pay all moneys of the Trust (including any moneys paid to the Trust out of moneys appropriated by the Parliament for the purposes of the Trust) into an account referred to in this section.

Borrowing. 25.—(1.) The Trust may borrow moneys on overdraft or otherwise from an approved bank for any temporary purpose of the Trust.

(2.) The rights of a bank from which moneys are borrowed under the last preceding sub-section are not affected or prejudiced by any application by the Trust of moneys so borrowed.

(3.) The Trust shall not borrow otherwise than in accordance with this section.

Application of moneys. 26. Subject to the next succeeding section, the moneys of the Trust shall be applied only—

(a) in payment or discharge of the expenses, charges, obligations and liabilities incurred or undertaken by the Trust or imposed by law on the Trust in or in connexion with the exercise of its powers and functions under this Ordinance; and

(b) in payment of the remuneration, fees and allowances of the trustees.

Investments. 27. Moneys of the Trust not immediately required for the purposes of the Trust may be invested—

(a) on fixed deposit with an approved bank; or

(b) in securities of, or guaranteed by, the Commonwealth or a State.

28. The Trust shall keep proper accounts and records in such form as the Treasurer approves, and shall do all things necessary to ensure that all payments out of its moneys are properly authorized and correctly made and that adequate control is maintained over the assets of the Trust and the incurring by it of liabilities. Proper accounts to be kept.

29. The accounts and records of financial transactions of the Trust shall be audited by a person appointed by the Treasurer. Audit.

PART VI.—REPORTS.

30. The Trust shall furnish to the Minister such information relating to its operations as the Minister from time to time requires. Trust to keep Minister informed.

31.—(1.) The auditor appointed under section 29 of this Ordinance shall forthwith draw to the attention of the Trust any irregularity disclosed by his audit that, in his opinion, is of sufficient importance to justify his so doing. Reports by auditor.

(2.) The auditor shall at least once in each year report to the Minister the results of the audit carried out under that section.

32.—(1.) The Trust shall, as soon as practicable after each thirty-first day of July, furnish to the Minister a report of its operations during the year ended on that date, together with financial statements, in such form as the Minister approves, in respect of that year. Annual report of the Trust.

(2.) Before furnishing the financial statements to the Minister, the Trust shall submit them to the auditor appointed under section 29 of this Ordinance who shall report to the Minister—

- (a)** whether the statements are based on proper accounts and records;
- (b)** whether the statements are in agreement with the accounts and records and show fairly the financial operations and state of the affairs of the Trust;
- (c)** whether the receipt, expenditure and investment of moneys, and the acquisition and disposal of assets by the Trust during the year have been in accordance with this Ordinance; and
- (d)** as to such other matters arising out of the statements as the auditor considers should be reported to the Minister.

THE SCHEDULE

Section 3

CANBERRA THEATRE CENTRE

All that piece of land containing an area of approximately 2 acres 3 roods, being Block 1, Section 19, Division of City, Canberra City District, in the Australian Capital Territory: Commencing at a point on the face of a brick retaining wall approximately 26.5 feet on the prolongation in a south-westerly direction of the north-west face of the columns of the north-west side of the South Building, Civic Offices; and bounded thence south-easterly along the face of that wall for approximately 46 feet to a corner of that wall; thence south-westerly along the face of a brick retaining wall for approximately 12 feet to a corner of that wall; thence south-easterly along the face of a brick retaining wall, the west face of a top step and the face of a brick retaining wall for approximately 40 feet in all to a corner of that last-mentioned wall; thence north-easterly along the face of a brick retaining wall for approximately 4 feet to a corner of that wall; thence south-easterly along the face of a brick retaining wall for approximately 65 feet to a corner of that wall; thence south-westerly across a gateway for approximately 11 feet; thence north-easterly along the face of a brick wall for approximately 10 feet to a corner of that wall; thence south-westerly along the face of a brick wall for approximately 4 feet to a brick wall of a building; thence south-easterly along that brick wall for approximately 27 feet to a corner of that building; thence south-easterly across a pathway along the north-eastern edge of a bottom step for approximately 5 feet; thence south-easterly along the face of a stone retaining wall for approximately 50 feet to a corner of that wall; thence north-easterly, south-easterly and south-westerly along the face of a stone retaining wall for approximately 178 feet to an access road; thence south-westerly across the access road for approximately 25 feet; thence north-westerly and south-westerly along the back edge of the kerb on the western side of the access road for approximately 198 feet to a corner of a building; thence south-westerly along the south-easterly face of the wall of that building for approximately 24 feet to a corner of that building; thence north-westerly along the face of the wall of that building for approximately 85 feet to a corner of that building; thence north-easterly along the face of the wall of that building for approximately 24 feet to a corner of that building; thence north-easterly along the face of a brick retaining wall for approximately 15 feet to a corner of that wall; thence north-westerly along the face of a brick retaining wall for approximately 136 feet to a footpath; thence north-easterly along the south-east edge of that footpath for approximately 7.5 feet; thence north-westerly across that footpath, along the face of a brick retaining wall and across a footpath for approximately 97 feet in all to the north-east corner of that last-mentioned footpath; thence south-westerly along the north-west edge of that last-mentioned footpath for approximately 7.5 feet to a corner of a brick retaining wall; thence north-easterly along the face of that last-mentioned wall for approximately 112 feet to a corner of that wall; thence south-easterly along the prolongation of the face of that wall for approximately 4.5 feet to the back edge of the kerb on the south-west side of an access road; thence along the back edge of that kerb in a north-westerly and north-easterly direction for approximately 271 feet to the intersection of that kerb with the prolongation in a north-westerly direction of a brick retaining wall; thence south-easterly across that last-mentioned access road and along the face of that last-mentioned wall for approximately 260 feet in all to a corner of that wall; thence south-westerly along the face of a brick retaining wall for approximately 13 feet to a metal grating on the top step of the steps from an area known as Civic Square; thence south-westerly along the north-eastern edge of the grating for approximately 119 feet to the prolongation in a south-westerly direction of a brick retaining wall; thence north-easterly along the face of that last-mentioned wall for approximately 13 feet to a corner of that wall; thence south-easterly along the face of a brick retaining wall for approximately 41 feet to the point of commencement.