

AUSTRALIAN CAPITAL TERRITORY

Canberra Retail Markets (Amendment) Ordinance 1986

No. 60 of 1986

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910*.

Dated 1 October 1986.

N. M. STEPHEN
Governor-General

By His Excellency's Command,

G. SCHOLES
Minister of State for Territories

An Ordinance to amend the *Canberra Markets Ordinance 1971*

Short title

1. This Ordinance may be cited as the *Canberra Retail Markets (Amendment) Ordinance 1986*.¹

Principal Ordinance

2. In this Ordinance, "Principal Ordinance" means the *Canberra Retail Markets Ordinance 1971*.²

Interpretation

3. Section 4 of the Principal Ordinance is amended by omitting the definition of "Legislative Assembly".

Constitution of Trust

4. Section 7 of the Principal Ordinance is amended—

- (a) by omitting from sub-section (1) “three” and substituting “4”; and
- (b) by omitting sub-sections (2), (3) and (4) and substituting the following sub-sections:

“(2) Where there are persons holding office as members of the House of Assembly, one of the trustees shall be a member of that House, nominated, as occasion requires, by that House.

“(3) One of the trustees shall be an officer of the Department.

“(4) One of the trustees shall be appointed to represent consumers of goods.”.

Tenure of office

5. Section 8 of the Principal Ordinance is amended—

- (a) by inserting “, other than the trustee referred to in sub-section (2),” after “trustee”; and
- (b) by adding at the end the following sub-section:

“(2) Where a trustee’s appointment is occasioned by reason only of the condition referred to in sub-section 7 (2) not being able to be satisfied, the trustee holds office, subject to this Ordinance, until—

- (a) the first meeting of the House of Assembly held after the election of members of that House next following the trustee’s appointment; or
- (b) the expiration of the period of 3 years that commenced on the date of the member’s appointment,

whichever first occurs.”.

6. Section 9 of the Principal Ordinance is repealed and the following section substituted:

Chairperson of Trust

“9. (1) The Minister shall appoint one of the trustees, other than the trustee who is, by virtue of sub-section 7 (3), required to be an officer of the Department, to be the Chairperson of the Trust.

“(2) The trustee appointed as the Chairperson holds office as the Chairperson until the expiration of his or her term of office as a trustee that is current at the time of being appointed as Chairperson, but is eligible to be re-appointed as the Chairperson.

“(3) A person shall not continue to hold the office of Chairperson if the person ceases to be a trustee.

“(4) The Chairperson may be referred to as the Chairman or the Chairwoman, as the case requires.”.

Vacation of office

7. Section 12 of the Principal Ordinance is amended—

- (a) by omitting sub-section (2);
- (b) by omitting from sub-section (3) “The trustee who is a member of the Legislative Assembly” and substituting “If a trustee is a member of the House of Assembly and was nominated for appointment as a trustee by that House, that trustee”;
- (c) by omitting from sub-section (3) “Legislative Assembly current” and substituting “House of Assembly current”;
- (d) by omitting from sub-section (4) “an officer of the Department of the Capital Territory” and substituting “, by virtue of sub-section 7 (3), required to be an officer of the Department”; and
- (e) by omitting from sub-section (4) “that Department” and substituting “the Department”.

8. Section 14 of the Principal Ordinance is repealed and the following section substituted:

Acting appointments

“14. (1) The Minister may appoint a trustee, other than the trustee who is, by virtue of sub-section 7 (3), required to be an officer of the Department, to act as the Chairperson—

- (a) during a vacancy in the office of Chairperson, whether or not an appointment has previously been made to the office; or
- (b) during any period, or during all periods, when the Chairperson is absent from duty or from the Territory or is, for any other reason, unable to perform the functions of the office,

but a person appointed to act during a vacancy shall not continue so to act for more than 12 months.

“(2) The Minister may appoint a person to act as a trustee other than the Chairperson—

- (a) during a vacancy in the office of a trustee, whether or not an appointment has previously been made to the office; or
- (b) during any period, or during all periods, when a trustee is absent from duty or from the Territory or is, for any other reason, unable to perform the functions of the office,

but a person appointed to act during a vacancy shall not continue so to act for more than 12 months.

“(3) The appointment of a person under sub-section (1) or (2) may be expressed to have effect only in such circumstances as are specified in the instrument of appointment.

“(4) The Minister may at any time terminate the appointment of a person to act under this section.

“(5) Where—

- (a) a person is acting as the Chairperson in accordance with paragraph (1) (b); or
- (b) a person is acting as a trustee other than the Chairperson in accordance with paragraph (2) (b),

and the office of the Chairperson or trustee, as the case may be, becomes vacant while that person is so acting, subject to sub-section (3) that person may continue so to act until the Minister otherwise directs, the vacancy is filled or a period of 12 months from the date on which the vacancy occurred expires, whichever first happens.

“(6) The appointment of a person to act as the Chairperson or as a trustee other than the Chairperson ceases to have effect if the person resigns the appointment by writing signed by him or her and delivered to the Minister.

“(7) While a person is acting as the Chairperson or as a trustee other than the Chairperson, the person has and may exercise all the powers, and shall perform all the functions, of the Chairperson or a trustee, as the case may be.

“(8) Anything done by or in relation to a person purporting to act under this section is not invalid on the ground that—

- (a) the occasion for the person's appointment had not arisen;
- (b) there is a defect or irregularity in connection with the person's appointment;
- (c) the person's appointment had ceased to have effect; or
- (d) the occasion for the person to act had not arisen or had ceased."

Meetings of Trust

9. Section 15 of the Principal Ordinance is amended—

- (a) by omitting from sub-section (2) "Chairman" and substituting "Chairperson";
- (b) by omitting from sub-section (3) "all trustees" and substituting "3 trustees";
- (c) by omitting from sub-section (4) "the remaining two trustees" and substituting "2 trustees";
- (d) by omitting sub-section (5) and substituting the following sub-sections:
 - "(5) The Chairperson shall preside at all meetings of the Trust at which the Chairperson is present.
 - "(5A) If the Chairperson is not present at a meeting of the Trust, the trustees present shall elect one of their number to preside at that meeting."; and
- (e) by omitting from sub-section (6) "the meeting at which three trustees are present is held" and substituting "a meeting is held at which 3 trustees, at least, are present".

Continuation of appointment

10. The person who was, immediately before the commencement of this Ordinance, the Chairman of the Trust shall be deemed to have been appointed as the Chairperson of the Trust under the Principal Ordinance as amended by this Ordinance and shall hold office subject to the Principal Ordinance as so amended.

NOTES

1. Notified in the *Commonwealth of Australia Gazette* on 10 October 1986.
2. No. 29, 1971 as amended by No. 30, 1972; No. 6, 1973; No. 22, 1974; Nos. 24 and 61, 1976; No. 14, 1978; No. 21, 1980; No. 67, 1985.