

No. 1 of 1976

CANBERRA SHOWGROUND TRUST ORDINANCE 1976

TABLE OF PROVISIONS

PART I—PRELIMINARY

Section

1. Short title
2. Definitions

PART II—ESTABLISHMENT, FUNCTIONS, POWERS AND DUTIES OF THE TRUST

3. Establishment of Trust
4. Functions of Trust
5. Powers of Trust
6. Policy to be pursued by Trust

PART III—CONSTITUTION AND MEETINGS OF THE TRUST

7. Constitution of Trust
8. Membership of Trust
9. Deputy Chairman
10. Fees and allowances
11. Resignation of members
12. Dismissal of members
13. Disclosure of interests in contracts
14. Termination of appointment
15. Leave of absence
16. Acting appointments
17. Meetings of the Trust

PART IV—STAFF

18. Staff

PART V—FINANCE

19. Definition
20. Borrowing by the Trust
21. Bank accounts
22. Application of moneys
23. Accounts
24. Annual report
25. Audit
26. Profits of the Trust
27. Estimates

PART VI—BY-LAWS

28. Power to make by-laws

PART VII—MISCELLANEOUS

29. Reports to Minister
30. Saving
31. Regulations

No. 1 of 1976

AN ORDINANCE

To Establish a Canberra Showground Trust.

I, THE ADMINISTRATOR of the Government of the Commonwealth of Australia, acting with the advice of the Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910-1973*.

Dated this thirtieth day of January, 1976.

A. R. CUTLER
Administrator.

By His Excellency's Command,

ERIC L. ROBINSON
Minister of State for the Capital Territory.

CANBERRA SHOWGROUND TRUST ORDINANCE 1976

PART I—PRELIMINARY

1. This Ordinance may be cited as the *Canberra Showground Trust Ordinance 1976*.^{*} Short title.
2. In this Ordinance, unless the contrary intention appears— Definitions.
 - "approved bank" means a bank approved by the Treasurer for the purposes of the provision in which the expression occurs;
 - "by-laws" means by-laws made by the Trust under this Ordinance;
 - "Canberra Showground" means the land described in the Schedule;
 - "Chairman" means the Chairman of the Trust;
 - "Deputy Chairman" means the member holding office under sub-section 9 (1);
 - "Legislative Assembly" means the Australian Capital Territory Legislative Assembly;
 - "member" means—
 - (a) the Chairman; or
 - (b) a member of the Trust other than the Chairman;
 - "Public Service Board" means the Public Service Board constituted under the *Public Service Act 1922-1975*;
 - "Trust" means the Canberra Showground Trust established by section 3.

^{*} Notified in the *Australian Government Gazette* on 3 February 1976.

**PART II—ESTABLISHMENT, FUNCTIONS, POWERS AND DUTIES
OF THE TRUST**

Establish-
ment of
Trust.

3. There is hereby established a body to be known as the Canberra Showground Trust.

Functions
of Trust.

4. The functions of the Trust are—

- (a) to manage the Canberra Showground;
- (b) to conduct, on the Canberra Showground, exhibitions and shows and sporting, recreational and cultural activities;
- (c) to conduct, on the Canberra Showground, such other activities as the Minister approves;
- (d) to provide, on the Canberra Showground, such buildings, structures, arenas and facilities, whether permanent or temporary, as are necessary for, or incidental to, the conduct of the exhibitions, shows and activities referred to in paragraph (b) or (c); and
- (e) to conduct, on land held by the Trust under lease, such activities or undertakings as the Trust thinks fit, being activities or undertakings that are authorized by the lease of the land.

Powers of
Trust.

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

- (a) to hold land under lease and to assign or surrender leases;
- (b) to grant sub-leases;
- (c) to acquire, hold and dispose of personal property;
- (d) to enter into contracts;
- (e) to erect buildings on the Canberra Showground or on land held by the Trust under lease;
- (f) to grant licences to persons to use the Canberra Showground, or part of the Canberra Showground, or land held by the Trust under lease for purposes for which the Trust is authorized to use the Canberra Showground or that land;
- (g) to make charges for admission to the Canberra Showground and land held by the Trust under lease;
- (h) to grant, subject to such charges and other terms and conditions as the Trust thinks fit, rights to televise, broadcast, film or record activities conducted at the Canberra Showground or on land held by the Trust under lease;
- (j) to make charges for the use of facilities and services provided by the Trust at the Canberra Showground or on land held by the Trust under lease;
- (k) to advertise and promote activities conducted at the Canberra Showground or on land held by the Trust; and
- (l) to give prizes and awards to persons in connexion with activities conducted at the Canberra Showground or on land held by the Trust under lease.

- (2) Except with the approval of the Minister, the Trust shall not—
- (a) hold land under a lease other than a lease granted by Australia;
 - (b) enter into a contract involving the payment or receipt of an amount exceeding \$200,000;
 - (c) carry out, or join in carrying out, works on land other than land of which the Trust has the control or is the lessee;
 - (d) assign or mortgage a lease; or
 - (e) grant a sub-lease for a term exceeding one year.

6. The Trust shall pursue a policy directed towards securing revenue sufficient to meet all its expenditure properly chargeable against revenue.

Policy to be pursued by Trust.

PART III—CONSTITUTION AND MEETINGS OF THE TRUST

7. (1) The Trust—

Constitution of Trust.

- (a) is a body corporate;
- (b) shall have a seal; and
- (c) may sue and be sued in its corporate name.

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

8. (1) The Trust is to consist of—

Membership of Trust.

- (a) the Chairman of the Trust; and
- (b) not less than 4 or more than 6 other members.

(2) Of the members other than the Chairman—

- (a) one member shall be a person who is a member of the Legislative Assembly who has been nominated by the Assembly;
- (b) one member shall be a person who is a member of the body corporate known as the Canberra Trotting Club Incorporated;
- (c) one member shall be a person who is a member of the body corporate known as the National Capital Agricultural Society; and
- (d) one member shall be a person who is a member of the body corporate known as the Trades and Labour Council.

(3) The members shall be appointed by the Minister.

(4) In making an appointment of a member referred to in a paragraph of sub-section (2) (other than paragraph (a)), the Minister shall appoint a person whose name appears on a list of 3 persons nominated, as occasion requires, by the body specified in that paragraph.

(5) The member referred to in paragraph (2) (a) holds office until the first meeting of the Legislative Assembly held after the election of members of the Assembly next following his appointment as a member of the Trust.

(6) A member, other than the member referred to in paragraph (2) (a), holds office for such period, not exceeding 3 years, as is specified in the instrument of his appointment.

(7) A member is eligible for re-appointment.

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

Deputy
Chairman.

9. (1) The Trust shall appoint a member to be the Deputy Chairman of the Trust.

(2) The member appointed as Deputy Chairman holds office until the expiration of his term of office as a member that is current at the time of his appointment but ceases to be the Deputy Chairman if he ceases to be a member or resigns his office of Deputy Chairman.

(3) The member appointed as Deputy Chairman may resign his office of Deputy Chairman by writing under his hand delivered to the Chairman or, if the office of Chairman is vacant or the Chairman is absent from the Territory, to the Minister.

(4) A member is eligible to be re-appointed as Deputy Chairman.

Fees and
allowances.

10. A member shall be paid such fees and allowances as are prescribed.

Resignation
of members.

11. A member may resign his office of member by writing under his hand delivered to the Minister.

Dismissal
of members.

12. (1) The Minister may remove a member from office on the ground of misbehaviour, physical or mental incapacity or invalidity.

(2) If a member—

- (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 without leave of the Trust from 3 consecutive meetings of the Trust; or
- (c) without reasonable excuse, fails to comply with his obligations under section 13,

the Minister shall remove him from office.

Disclosure
of interests
in contracts.

13. (1) A member who is directly or indirectly interested in a contract made or proposed to be made by the Trust otherwise than as a member of, and in common with the other members of, an incorporated company consisting of not less than 25 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.

(2) A disclosure under sub-section (1) shall be recorded in the minutes of the Trust, and the member—

- (a) shall not take part, after the disclosure, in any deliberation or decision of the Trust with respect to the contract to which the disclosure relates; and

- (b) shall be disregarded for the purposes of constituting a quorum of the Authority for any such deliberation or decision.

14. If a member referred to in a paragraph of sub-section 8 (2) ceases to be a member of the body referred to in that paragraph, the Minister shall remove him from office as a member. Termination of appointment.

15. The Minister may grant leave of absence to a member upon such terms and conditions as the Trust determines. Leave of absence.

16. (1) Where a member is, or is expected to be, unable (whether on account of illness or otherwise) to attend meetings of the Authority, or a member has ceased to hold office before the expiration of his term of office, the Minister may appoint a person to act as a member during that inability or until a person is appointed to that office, and the person so appointed to act has all the powers and functions of a member. Acting appointments.

(2) The Minister may, at any time, terminate an appointment under this section.

(3) The validity of an act or decision of the Trust shall not be questioned in any proceedings on a ground arising from the fact that the occasion for the appointment of a person purporting to be appointed under this section had not arisen or that an appointment under this section had ceased to have effect.

(4) A person shall not be appointed under this section to act as a member referred to in a paragraph of sub-section 8 (2), other than paragraph (a), unless he is a member of the body referred to in that paragraph.

(5) A person shall not be appointed under this section to act as the member referred to in paragraph 8 (2) (a) unless the person—

- (a) is a member of the Legislative Assembly; and
- (b) has been nominated by the Assembly.

17. (1) The Trust shall hold such meetings as are necessary for performance of its functions but so that not more than 2 months elapse between any 2 successive meetings. Meetings of the Trust.

(2) The Chairman or, if for any reason the Chairman is not available, the Deputy Chairman—

- (a) may convene meetings of the Trust; and
- (b) shall, on receipt of a written request signed by 2 members, convene a meeting of the Trust.

(3) The Chairman and Deputy Chairman shall comply with any directions of the Trust with respect to the convening of meetings.

(4) The Chairman shall preside at all meetings of the Trust at which he is present.

(5) At a meeting of the Trust at which the Chairman is not present the Deputy Chairman shall preside.

(6) At a meeting of the Trust—

- (a) if the number of persons holding office as members is 6 or 7—4 members, of whom one is the Chairman or the Deputy Chairman, constitute a quorum; and
- (b) if the number of persons holding office as members is less than 6—3 members, of whom one is the Chairman or the Deputy Chairman, constitute a quorum.

(7) Questions arising at a meeting of the Trust shall be determined by a majority of the votes of the members present and voting.

(8) At a meeting of the Trust, the member presiding has a deliberative vote and, in the event of equality of votes, also has a casting vote.

PART IV—STAFF

Staff. **18.** The staff of the Trust shall consist of persons appointed or employed under the *Public Service Act 1922-1975*.

PART V—FINANCE

Definition. **19.** In this Part, “commercial operations”, in relation to the Trust, means the operations of the Trust, other than operations that the Minister, by instrument in writing, has declared to be non-commercial operations of the Trust.

**Borrowing
by the
Trust.** **20.** (1) The Trust may, with the approval of the Treasurer, borrow moneys from time to time in such amounts as the Minister certifies are, in his opinion, necessary for the conduct of the operations of the Trust.

(2) The Trust may borrow from Australia, at such rate of interest and on such other terms and conditions as the Treasurer determines, moneys that the Trust is authorized to borrow under sub-section (1).

(3) The Trust may give security over the whole or any part of its assets for the repayment of amounts borrowed under this section and the payment of interest on amounts so borrowed.

(4) The Treasurer may, on behalf of Australia, guarantee the repayment by the Trust of amounts borrowed under this section otherwise than from Australia and the payment of interest on amounts so borrowed.

**Bank
accounts.** **21.** (1) The Trust may open and maintain an account or accounts with an approved bank or approved banks and shall maintain at all times at least two such accounts.

(2) The Trust shall pay all moneys of the Trust, including moneys borrowed by the Trust, into an account referred to in this section.

(3) Moneys of the Trust held or received in connexion with the commercial operations of the Trust shall not be paid into an account into which other moneys not held or received in connexion with those operations have been paid.

22. (1) Subject to sub-section(2), the moneys of the Trust may be applied by the Trust— Application of moneys.

- (a) in payment or discharge of the costs, expenses or other obligations incurred by the Trust in connexion with the performance by the Trust of its functions under this Ordinance;
- (b) in payment of fees and allowances payable to members and to employees of the Trust; and
- (c) in repayment of advances made to the Trust by the Treasurer in accordance with the terms upon which those advances were made.

(2) Moneys held or received by the Trust in connexion with the commercial operations of the Trust shall not be applied except—

- (a) in connexion with the commercial operations of the Trust; or
- (b) in repayment of moneys borrowed by the Trust.

(3) Moneys of the Trust not immediately required for the purposes of the Trust may be invested—

- (a) on fixed deposit with an approved bank;
- (b) in securities of Australia; or
- (c) in any other manner approved by the Treasurer.

23. (1) The Trust shall cause to be kept proper accounts and records of the transactions and affairs of the Trust and shall do all things necessary to ensure that all payments out of its moneys are correctly made and properly authorized and that adequate control is maintained over the assets of, or in the custody of, the Trust and over the incurring of liabilities by the Trust. Accounts.

(2) Accounts and records kept by the Trust in relation to its commercial operations shall—

- (a) be kept separately from the accounts and records relating to other operations of the Trust; and
- (b) be kept in accordance with the accounting principles generally applied in commercial practice.

24. (1) The Trust shall, as soon as practicable after the end of each financial year, prepare and furnish to the Minister and to the Legislative Assembly a report of the operations of the Trust during that year, together with financial statements in respect of that year in such form as the Treasurer approves. Annual report.

(2) Before furnishing the financial statements to the Minister and the Legislative Assembly, the Trust shall submit them to an auditor appointed by the Treasurer 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 those accounts and records;
- (c) whether the statements, in so far as they relate to the commercial operations of the Trust, show fairly the financial transactions and the state of affairs of the Trust;
- (d) whether the statements, in so far as they relate to the operations of the Trust other than commercial operations, show fairly the financial transactions and the state of affairs of the Trust;
- (e) 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
- (f) as to such other matters arising out of the statements as the auditor considers should be reported to the Minister.

Audit.

25. (1) The auditor referred to in sub-section 24 (2) shall inspect and audit the accounts and records of the financial transactions and affairs of the Trust and the records relating to assets of, or in the custody of, the Trust and shall forthwith draw the attention of the Minister to any irregularity disclosed by the inspection that is, in the opinion of the auditor, of sufficient importance to justify his so doing.

(2) The auditor shall report to the Minister the results of the inspection and audit carried out under sub-section (1).

(3) The auditor is entitled, at all reasonable times, to full and free access to all accounts, records, documents and papers of the Trust relating directly or indirectly to the receipt or payment of moneys by the Trust or to the acquisition, receipt, custody or disposal of assets by the Trust.

(4) The auditor may make copies of, or take extracts from, any such accounts, records, documents or papers.

(5) The auditor may require any person to furnish him with such information in the possession of the person or to which the person has access as the auditor considers necessary for the purposes of this section, and the person shall comply with the requirement.

(6) A person who contravenes sub-section (5) is guilty of an offence punishable, upon conviction, by a fine not exceeding \$200.

Profits of the Trust.

26. (1) For the purposes of this Ordinance, the profits of the Trust for a financial year are the amount (if any) remaining after deducting from the revenue received or receivable in respect of that financial year in connexion with the commercial operations of the Trust the expenditure, and provision for expenditure, properly chargeable against that revenue.

(2) The profits of the Trust for a financial year shall be applied in such manner as the Treasurer determines.

(3) In making a determination under sub-section (2), the Treasurer shall have regard to any advice given to him by the Trust in relation to its financial affairs.

27. (1) The Trust shall prepare estimates, in such form as the Minister directs, of its expenditure for each financial year and, if so directed by the Minister, for any other period. Estimates.

(2) Estimates prepared in accordance with sub-section (1) shall—

- (a) show separately receipts and expenditure in connexion with the commercial operations of the Trust; and
- (b) be submitted to the Minister and the Legislative Assembly not later than such date as the Minister directs.

(3) Except for the purposes of its commercial operations, the Trust shall not expend moneys otherwise than in accordance with estimates of expenditure approved by the Minister.

PART VI—BY-LAWS

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

- (a) the regulation or prevention of the possession, supply and consumption of liquor within the meaning of the *Liquor Ordinance* (No. 3) 1975 at the Canberra Showground;
- (b) the regulation of admission of persons to, the removal of persons from, and the conduct of persons at, the Canberra Showground;
- (c) the regulation of traffic at the Canberra Showground; and
- (d) the provision of penalties, not exceeding a fine of \$100, for offences against the by-laws.

(2) By-laws have the force of law and shall be deemed to be regulations for the purposes of the *Interpretation Ordinance* 1967-1975.

(3) A prosecution for an offence against the by-laws shall not be instituted except by a person authorized by the Trust to institute such prosecutions.

PART VII—MISCELLANEOUS

29. The Trust shall—

- (a) from time to time inform the Minister concerning the general conduct of its operations; and
- (b) furnish to the Minister such information relating to those operations as the Minister requires.

Reports to Minister.

30. Nothing in this Ordinance affects the operation of the *Race-courses Ordinance* 1935 or the Gaming and Betting Act, 1906 of the State of New South Wales in its application to the Territory. Saving.

31. The Minister may make regulations, not inconsistent with this Ordinance, prescribing all matters that are required or permitted by this Ordinance to be prescribed or are necessary or convenient to be prescribed for carrying out or giving effect to this Ordinance. Regulations.

SCHEDULE

Section 2

DESCRIPTION OF CANBERRA SHOWGROUND

All that piece of land in the Canberra City District Australian Capital Territory containing an area of 40.33 hectares more or less; commencing at a point on the northeastern side of Flemington Road bearing $319^{\circ} 52' 50''$ 117.77 metres from the intersection of that side of that road with the northwestern side of Northbourne Avenue as described in plan catalogued in the office of the Registrar of Titles Canberra Deposited Plan 866 and bounded thence on the southwest by lines bearing consecutively $357^{\circ} 22' 30''$ 329.37 metres and $349^{\circ} 08' 204$ metres thence on the northwest by 350.07 metres of the arc of a circle of radius 380 metres the chord of which lies to the southeast and bears $28^{\circ} 38' 11''$ 337.82 metres thence on the northeast by lines bearing consecutively 97° 270 metres, 120° 240 metres and 255.29 metres of the arc of a circle of radius 300 metres the chord of which lies to the southwest and bears $164^{\circ} 10'$ 247.66 metres thence on the southeast by a line bearing $229^{\circ} 51' 55''$ 778.52 metres to the northeastern side of Flemington Road thence on the southeast by that side bearing $319^{\circ} 52' 50''$ 87.78 metres to the point of commencement.