



Australian Capital Territory

Cultural Facilities Corporation Act 1997

A1997-48

Republication No 8

Effective: 12 April 2007 – 25 August 2008

Republication date: 12 April 2007

Last amendment made by A2007-3

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Cultural Facilities Corporation Act 1997* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 12 April 2007. It also includes any amendment, repeal or expiry affecting the republished law to 12 April 2007.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



Australian Capital Territory

Cultural Facilities Corporation Act 1997

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R8
12/04/07

Cultural Facilities Corporation Act 1997
Effective: 12/04/07-25/08/08

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Australian Capital Territory

Cultural Facilities Corporation Act 1997

An Act to establish the Cultural Facilities Corporation, and for related purposes

Part 1 Preliminary

1 Name of Act

This Act is the *Cultural Facilities Corporation Act 1997*.

2 Dictionary

The dictionary at the end of this Act is part of this Act.

Note 1 The dictionary at the end of this Act defines certain terms used in this Act, and includes references (*signpost definitions*) to other terms defined elsewhere.

For example, the signpost definition '*designated location*—see section 4.' means that the term 'designated location' is defined in that section.

Note 2 A definition in the dictionary (including a signpost definition) applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears (see Legislation Act, s 155 and s 156 (1)).

3 Notes

A note included in this Act is explanatory and is not part of this Act.

Note See the Legislation Act, s 127 (1), (4) and (5) for the legal status of notes.

4 What is a *designated location*?

- (1) A location is a *designated location* if it is—
- (a) a location mentioned in schedule 1; or
 - (b) a location declared by the Minister under subsection (2) to be a designated location.

- (2) The Minister may declare a location to be a designated location.
- (3) A declaration under subsection (2) is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the Legislation Act.

- (e) to undertake activities, in cooperation with other people if appropriate, to exercise its other functions; and
- (f) to exercise other functions given to the corporation under this Act or another territory law.

Note A provision of a law that gives a function to an entity also gives the entity the powers necessary and convenient to exercise the function (see Legislation Act, s 196 and dict, pt 1, def *entity*).

7 Considerations for corporation exercising functions

In exercising its functions, the corporation must consider—

- (a) any cultural policies or priorities of the Executive known to the corporation; and
- (b) other cultural activities in the ACT.

Note The corporation is also required to comply with applicable governmental policies (see *Financial Management Act 1996*, s 103).

8 Advisory committees

- (1) To assist the corporation in the exercise of its functions, the corporation—
 - (a) must set up advisory committees for—
 - (i) museum collections; and
 - (ii) historic places; and
 - (iii) the performing arts; and
 - (b) may set up other advisory committees that the corporation considers necessary.
- (2) An advisory committee may decide how to exercise its functions.
- (3) However, an advisory committee is subject to the direction of the corporation in the exercise of its functions.

Division 2.2 Governing board of corporation

9 Establishment of governing board

The corporation has a governing board.

10 Governing board members

The governing board has 7 members.

Note 1 The chair and deputy chair of the governing board must be appointed under the *Financial Management Act 1996*, s 79.

Note 2 The chief executive officer is a member of the governing board (see *Financial Management Act 1996*, s 80 (4)).

11 Chief executive officer of corporation

The chief executive officer of the corporation must be a public servant.

Note A chief executive officer must be appointed under the *Financial Management Act 1996*, s 80 (3).

Part 3 Corporation staff and consultants

12 Staff

The corporation's staff must be employed under the *Public Sector Management Act 1994*.

Note The *Public Sector Management Act 1994*, s 24 provides that the chief executive officer of a territory instrumentality has all the powers of a chief executive under the Act in relation to the instrumentality staff to be employed under that Act (including, for example, in relation to the appointment of people to, or the employment of people for, that staff). Under that Act, dict, def *chief executive officer*, the chief executive officer of an instrumentality is the person who has responsibility for managing its affairs.

13 Consultants

- (1) The corporation may engage consultants.
- (2) However, the corporation must not enter into a contract of employment under this section.

Part 4 Miscellaneous

14 Ministerial directions

- (1) The Minister may direct the corporation, in writing, about the exercise of its functions, either generally or for a particular matter.
- (2) The corporation must give effect to the direction.
- (3) The Minister must present a copy of a direction to the Legislative Assembly within 5 sitting days after the day it is given to the corporation.
- (4) The Territory must pay to the corporation the reasonable costs of complying with a direction.
- (5) The amount payable under subsection (4) is—
 - (a) the amount agreed by the corporation and the Treasurer; or
 - (b) if the corporation and the Treasurer cannot agree—the amount decided by the Chief Minister.

15 Quarterly reports

- (1) As soon as practicable after the end of each quarter, the corporation must give the Minister a report on the operation during the quarter of—
 - (a) this Act; and
 - (b) the corporation.
- (2) The Minister must present the report to the Legislative Assembly within 6 sitting days after the day the report is received.

16 Corporation's annual report

A report prepared by the corporation under the *Annual Reports (Government Agencies) Act 2004* for a financial year must include—

- (a) a copy of any direction given under section 14 (Ministerial directions) during the year; and
- (b) a statement by the corporation about action taken during the year to give effect to any direction given (whether before or during the year) under that section.

Note **Financial year** has an extended meaning in the *Annual Reports (Government Agencies) Act 2004*.

17 Regulation-making power

The Executive may make regulations for this Act.

Note A regulation must be notified, and presented to the Legislative Assembly, under the Legislation Act.

Schedule 1 Designated locations

(see s 4)

column 1 item	column 2 designated locations
1	Canberra Theatre Centre
2	Canberra Museum and Gallery
3	Lanyon Historic Property
4	Calthorpes' House
5	Nolan Gallery
6	Mugga Mugga (block 6, section 103, Symonston)

Dictionary

(see s 2)

Note 1 The Legislation Act contains definitions and other provisions relevant to this Act.

Note 2 For example, the Legislation Act, dict, pt 1 defines the following terms:

- ACT
- public servant
- quarter
- sitting day
- under.

Civic Square precinct means the land making up blocks 18, 20 and 22, section 19, division of City, Canberra Central district.

corporation means the Cultural Facilities Corporation.

cultural activities includes artistic, historical or other cultural entertainments, displays and exhibitions.

designated location—see section 4.

governing board means the governing board of the corporation.

Endnotes

1 About the endnotes

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	par = paragraph/subparagraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	pt = part
exp = expires/expired	r = rule/subrule
Gaz = gazette	renum = renumbered
hdg = heading	reloc = relocated
IA = Interpretation Act 1967	R[X] = Republication No
ins = inserted/added	RI = reissue
LA = Legislation Act 2001	s = section/subsection
LR = legislation register	sch = schedule
LRA = Legislation (Republication) Act 1996	sdiv = subdivision
mod = modified/modification	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

3 Legislation history

Cultural Facilities Corporation Act 1997 No 48

notified 19 September 1997 (Gaz 1997 No S264)
s 1, s 2 commenced 19 September 1997 (s 2 (1))
remainder commenced 1 November 1997 (s 2 (2) and Gaz 1997
No S325)

as amended by

**Acts Revision (Taxation of Territory Authorities) Act 1998 No 35 sch
pt 1**

notified 14 October 1998 (Gaz 1998 No 41)
commenced 14 October 1998 (s 2)

Legislation (Consequential Amendments) Act 2001 No 44 pt 95

notified 26 July 2001 (Gaz 2001 No 30)
s 1, s 2 commenced 26 July 2001 (IA s 10B)
pt 95 commenced 12 September 2001 (s 2 and see Gaz 2001 No S65)

**Taxation (Government Business Enterprises) Act 2003 A2003-12
sch 1 pt 1.2**

notified LR 27 March 2003
s 1, s 2 taken to have commenced 1 July 2002 (LA s 75 (2))
sch 1 pt 1.2 commenced 28 March 2003 (s 2 (2))

**Annual Reports Legislation Amendment Act 2004 A2004-9 sch 1
pt 1.10**

notified LR 19 March 2004
s 1, s 2 commenced 19 March 2004 (LA s 75 (1))
sch 1 pt 1.10 commenced 13 April 2004 (s 2 and see Annual Reports
(Government Agencies) Act 2004 A2004-8, s 2 and CN2004-5)

Statute Law Amendment Act 2005 A2005-20 sch 3 pt 3.14

notified LR 12 May 2005
s 1, s 2 taken to have commenced 8 March 2005 (LA s 75 (2))
sch 3 pt 3.14 commenced 2 June 2005 (s 2 (1))

Endnotes

4 Amendment history

Financial Management Legislation Amendment Act 2005 A2005-52 sch 1 pt 1.7

notified LR 26 October 2005
s 1, s 2 commenced 26 October 2005 (LA s 75 (1))
sch 1 pt 1.7 commenced 1 January 2006 (s 2 (2))

Statute Law Amendment Act 2007 A2007-3 sch 3 pt 3.27

notified LR 22 March 2007
s 1, s 2 taken to have commenced 1 July 2006 (LA s 75 (2))
sch 3 pt 3.27 commenced 12 April 2007 (s 2 (1))

4 Amendment history

Dictionary

s 2 om R1 LRA
ins A2005-20 amdt 3.107

Notes

s 3 am 2001 No 44 amdt 1.1014, amdt 1.1016
sub A2005-20 amdt 3.107
def **Civic Square precinct** om A2005-20 amdt 3.107
def **corporation** om A2005-20 amdt 3.107
def **cultural activities** om A2005-20 amdt 3.107
def **designated location** am 2001 No 44 amdt 1.1015
om A2005-20 amdt 3.107
def **member** om A2005-20 amdt 3.107
def **plan** om A2005-20 amdt 3.107
def **Public Sector Management Act** om A2005-20
amdt 3.107

What is a *designated location*?

s 3A renum as s 4

What is a *designated location*?

s 4 orig s 4 renum as s 5
(prev s 3A) ins 2001 No 44 amdt 1.1017
sub A2005-20 amdt 3.108
renum A2005-52 amdt 1.90

The corporation

pt 2 hdg sub A2005-20 amdt 3.109; A2005-52 amdt 1.91

Establishment and functions of corporation

div 2.1 hdg (prev pt 2 div 1 hdg) renum R2 LA
sub A2005-20 amdt 3.110

Establishment of corporation

s 5 orig s 5 renum as s 6
(prev s 4) sub A2005-20 amdt 3.111
renum A2005-52 amdt 1.92

Functions of corporation

s 6 hdg (prev s 5 hdg) sub A2005-20 amdt 3.112
s 6 orig s 6 sub A2005-20 amdt 3.115
om A2005-52 amdt 1.94
(prev s 5) am A2005-20 amdt 3.113, amdt 3.114
renum A2005-52 amdt 1.93

Considerations for corporation exercising functions

s 7 sub A2005-20 amdt 3.116
am A2005-52 amdt 1.95

Advisory committees

s 8 sub A2005-20 amdt 3.117

Governing board of corporation

div 2.2 hdg (prev pt 2 div 2 hdg) renum R2 LA
sub A2005-52 amdt 1.97

Establishment of governing board

s 9 om A2005-52 amdt 1.96
ins A2005-52 amdt 1.97

Governing board members

s 10 am A2005-20 amdt 3.118, amdt 3.119
sub A2005-52 amdt 1.97

Chief executive officer of corporation

s 11 sub A2005-52 amdt 1.97

Meetings

div 2.3 hdg (prev pt 2 div 3 hdg) renum R2 LA
om A2005-52 amdt 1.97

Corporation staff and consultants

pt 3 hdg sub A2005-52 amdt 1.98

Chief executive officer

div 3.1 hdg (prev pt 3 div 1 hdg) renum R2 LA
om A2005-52 amdt 1.99

Staff and consultants

div 3.2 hdg (prev pt 3 div 2 hdg) renum R2 LA
om A2005-52 amdt 1.100

Endnotes

4 Amendment history

Staff

s 12 orig s 12 om A2005-52 amdt 1.97
(prev s 19) am A2005-20 amdt 3.120
renum A2005-52 amdt 1.101
am A2007-3 amdt 3.136

Consultants

s 13 orig s 13 om A2005-52 amdt 1.97
(prev s 20) renum A2005-52 amdt 1.101

Miscellaneous

pt 4 hdg orig pt 4 hdg om A2005-52 amdt 1.102
(prev pt 5 hdg) renum A2005-52 amdt 1.103

Ministerial directions

s 14 orig s 14 om A2005-52 amdt 1.97
(prev s 28) sub A2005-20 amdt 3.121
renum A2005-52 amdt 1.105

Quarterly reports

s 15 orig s 15 om A2005-52 amdt 1.97
(prev s 29) sub A2005-20 amdt 3.122
renum A2005-52 amdt 1.105

Corporation's annual report

s 16 orig s 16 om A2005-52 amdt 1.97
(prev s 30) sub A2004-9 amdt 1.13
renum A2005-52 amdt 1.105

Regulation-making power

s 17 orig s 17 om A2005-52 amdt 1.99
(prev s 31) am A2005-20 amdt 3.123
renum A2005-52 amdt 1.105

Role

s 18 om A2005-52 amdt 1.99

Staff

s 19 renum as s 12

Consultants

s 20 renum as s 13

Definitions for pt 4

s 21 om A2005-52 amdt 1.102

Management focus

s 22 om A2005-52 amdt 1.102

Business plans

s 23 om A2005-52 amdt 1.102

Development of business plans

s 24 om A2005-52 amdt 1.102

Modification of business plans

s 25 om A2005-52 amdt 1.102

Application of Financial Management Act, pt 8

s 26 om A2005-52 amdt 1.102

Miscellaneous

pt 5 hdg renum as pt 4 hdg

Provision of information

s 27 om A2005-52 amdt 1.104

Ministerial directions

s 28 renum as s 14

Quarterly reports

s 29 renum as s 15

Corporation's annual report

s 30 renum as s 16

Liability for ACT taxes etc

s 30A ins 1998 No 35 sch pt 1
om A2003-12 amdt 1.2

Regulation-making power

s 31 renum as s 17

Vesting of assets

s 32 om A2005-52 amdt 1.106

Repeal of designated location declaration

s 33 om R1 LRA
ins A2005-20 amdt 3.124
exp 2 June 2005 (s 33 (2))

Repeal

s 34 om R1 LRA

Designated locations

sch 1 sub A2005-20 amdt 3.125

Appointment and terms and conditions of appointed members

sch 2 ss renum R5 LA
om A2005-52 amdt 1.107

Endnotes

5 Earlier republications

Dictionary

dict

ins A2005-20 amdt 3.126

def ***Civic Square precinct*** ins A2005-20 amdt 3.126

def ***corporation*** ins A2005-20 amdt 3.126

def ***cultural activities*** ins A2005-20 amdt 3.126

def ***designated location*** ins A2005-20 amdt 3.126

am A2005-52 amdt 1.108

def ***governing board*** ins A2005-52 amdt 1.109

def ***member*** ins A2005-20 amdt 3.126

om A2005-52 amdt 1.110

5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (*) in column 1. Electronic and printed versions of an authorised republication are identical.

Republication No	Amendments to	Republication date
1	Act 1998 No 35	20 October 2000
2	Act 2001 No 44	23 April 2002
3	A2003-12	28 March 2003
4	A2004-9	13 April 2004
5	A2005-20	2 June 2005
6	A2005-20	3 June 2005
7	A2005-52	1 January 2006

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