



Australian Capital Territory

# **Cultural Facilities Corporation Act 1997**

**A1997-48**

**Republication No 9**

**Effective: 26 August 2008 – 30 June 2011**

Republication date: 26 August 2008

Last amendment made by A2008-28

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 26 August 2008. It also includes any amendment, repeal or expiry affecting the republished law to 26 August 2008.

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](http://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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R9  
26/08/08

Cultural Facilities Corporation Act 1997  
Effective: 26/08/08-30/06/11

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Australian Capital Territory

# Cultural Facilities Corporation Act 1997

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

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## 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.

## **Part 2 The corporation**

*Note for pt 2*

The governance of territory authorities, including the corporation, is regulated by the *Financial Management Act 1996* (the *FMA*), pt 9 as well as the Act that establishes them.

The FMA, pt 9 deals, for example, with the corporate status of territory authorities and their powers, the make-up of governing boards, the responsibilities of the governing board and board members, how governing board positions can be ended, meetings of governing boards and conflicts of interest.

### **Division 2.1 Establishment and functions of corporation**

#### **5 Establishment of corporation**

The Cultural Facilities Corporation is established.

*Note* The Legislation Act, dict, pt 1, defines *establish* as including continue in existence.

#### **6 Functions of corporation**

The functions of the corporation are—

- (a) to manage, develop, present, coordinate and promote cultural activities at designated locations and other places in the ACT; and
- (b) to establish and research collections; and
- (c) to conserve and exhibit collections in the possession or under the control of the corporation; and
- (d) to manage and develop Civic Square precinct as a cultural focus of the ACT; and



- (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.

*Note*    An appointment of a governing board member is an appointment under this section (see *Financial Management Act 1996*, s 78 (5) (b)).

### 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)

<b>column 1 item</b>	<b>column 2 designated locations</b>
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

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## 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

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### **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))

### **Statute Law Amendment Act 2008 A2008-28 sch 3 pt 3.21**

notified LR 12 August 2008  
s 1, s 2 commenced 12 August 2008 (LA s 75 (1))  
sch 3 pt 3.21 commenced 26 August 2008 (s 2)

## 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  
am A2008-28 amdt 3.76

**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

## Endnotes

### 4 Amendment history

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#### **Staff and consultants**

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

#### **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

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#### 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
8	A2007-3	12 April 2007

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