

EXPLANATORY STATEMENT

CANBERRA RETAIL MARKETS (AMENDMENT) ORDINANCE 1986

NO. 60 OF 1986

Sub-section 7 of the Canberra Retail Markets Ordinance 1971 ("the Ordinance"), provides that the Trust shall consist of three trustees who should be appointed by the Minister. In particular sub-section 7(2) provides that one of the trustees shall be a member of the Legislative Assembly nominated by the Legislative Assembly.

On 30 June 1986 the terms of office of all members of the Assembly expired. Sub-section 12(3) of the Principal Ordinance provides that the trustee who is a member of the Assembly ceases to be a trustee on the expiration of his term of office.

The effect of the Canberra Retail Markets (Amendment) Ordinance 1986 ("the Amending Ordinance") is to enable the Minister to appoint four trustees instead of three, consisting of an officer of the Department, a representative of consumers, a member of the House of Assembly, nominated by that House and one other person. The Amending Ordinance provides also:

- . for the contingency that there are no members of the House of Assembly from whom to appoint a trustee
- . for appointments of persons to act as trustee or as chairperson
- . for meetings of the Trust.

The Amending Ordinance reflects a change in legislative drafting style, by replacing references to Chairman by references to Chairperson.

Details of the Amending Ordinance are set out below:

Sections 1 and 2 deal with citation.

Section 3 deals with interpretation.

Section 4 amends section 7 of the Principal Ordinance to provide that the Trust shall consist of four trustees who shall be appointed by the Minister, of whom one shall be an officer of the Department, and one should be appointed to represent consumers of goods. A new sub-section 7(2) provides that where a person holds office as a member of the House of Assembly, one trustee shall be a member of that House nominated as the occasion requires by that House.

Section 5 amends section 8 of the Principal Ordinance by providing that 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 the Ordinance until either the first meeting of the House of Assembly held after the election of members of that House next following the trustee's appointment or the expiration of the period of three years that commenced on the date of the member's appointment whichever occurs first.

Section 6 substitutes a new section 9 into the Principal Ordinance to provide that the Minister shall appoint one of the trustees (other than a trustee who is required to be an officer of the Department) to be Chairperson of the Trust, until the expiration of his term of office as trustee (unless the person ceases to be a trustee in the meantime).

Section 7 amends section 12 of the Principal Ordinance by omitting sub-section 12(2) which provides that the Minister shall remove a trustee from office where that trustee becomes an officer or employee within the meaning of the Public Service Act and, by replacing references to the "Legislative Assembly" with references to "House of Assembly".

Section 8 substitutes a new section 14 into the Principal Ordinance to provide that the Minister may appoint a trustee, (other than the trustee who is required to be an officer of the Department), to act as the Chairperson for a period of not more than 12 months during any period when the Chairperson is absent from duty, from the Territory or is unable to perform the functions of the office. New sub-section 14(2) will provide in similar terms for the Minister to appoint a person to act as a trustee other than the Chairperson. New section 14 also provides that the Minister may at any time terminate the appointment of a person to act and that the appointment ceases to have effect if the person resigns his appointment.

Section 9 amends section 15 of the Principal Ordinance by omitting sub-section 15(5) and substituting new sub-sections 15(5) and 15(5A) to provide that the Chairperson should preside at all meetings of the Trust at which the Chairperson is present and that if the Chairperson is not present at a meeting of the

Trust, the trustees shall elect one of their number to preside at that meeting. New sub-section 15(6) will require a minimum of three trustees to be present where any questions are to be decided.

Section 10 of the amending Ordinance provides that the person who, immediately before the commencement of the amending Ordinance, is 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 the Amending Ordinance and shall hold office subject to the principal Ordinance as so amended.