

## EXPLANATORY STATEMENT

### AUSTRALIAN CAPITAL TERRITORY NATIONAL EXHIBITION CENTRE TRUST ORDINANCE 1982

No.37 of 1982

The National Exhibition Centre Trust Ordinance 1982 (the amending Ordinance) effects a number of changes to the Canberra Showground Trust which was created under the Canberra Showground Trust Ordinance 1976 (the Principal Ordinance) including:

- (a) the abolition of the existing legislative distinction between the Trust's commercial and non-commercial activities;
- (b) removal of the Trust's borrowing power;
- (c) provision for the Minister for the Capital Territory to direct the policies of the Trust; and
- (d) the removal of the requirements that the members of the Trust be selected from the members of nominated bodies.

Sections 1, 3 and 4 of the amending Ordinance deal with interpretation provisions.

Section 2 of the amending Ordinance provides for the amending Ordinance to come into effect on 1 July 1982.

Section 5 of the amending Ordinance effects consequential amendments to definitions contained in section 2 of the Principal Ordinance.

Section 6 of the amending Ordinance establishes the National Exhibition Centre Trust by making provision for the continuation of the old Trust under its new name. The property, powers, rights and obligations of the old Trust continue as if there had been no change and the rights of parties to any legal actions by or against the Trust are protected by this section. Section 6 of the amending Ordinance also provides for recognition by courts, judges and persons acting judicially of the seals of the old and new Trust.

Sections 7 and 8(b) to (g) of the amending Ordinance change references to the "Canberra Showground" to the "National Exhibition Centre".

Sections 8(a) and (i) of the amending Ordinance change the power of the Trust to erect buildings from its present unrestricted power to one which is only exercisable after first obtaining the consent of the Minister for the Capital Territory.

Section 8(h) of the amending Ordinance makes a minor drafting amendment.

Section 8(j) of the amending Ordinance limits the contractual rights of the Trust to sums not exceeding \$50,000.

Section 9 replaces section 6 of the Principal Ordinance with a new section which provides that the policies of the Trust are subject to the directions of the Minister for the Capital Territory.

Section 10 makes a minor drafting amendment.

Section 11 of the amending Ordinance removes the requirement that members of the Trust be appointed from nominated bodies.

Section 12 replaces section 13 of the Principal Ordinance to include provisions which are in accordance with the code of conduct concerning the disclosure of pecuniary interests recommended by the Report of the Committee of Inquiry into Public Duty and Private Interest.

Section 13 and section 14(b) of the amending Ordinance effect consequential amendments to sections 14 and 16 of the Principal Ordinance following the removal of the requirement that the Minister appoint members from nominated bodies.

Section 14(a) effects a minor drafting amendment.

Sections 15 and 17 delete sections 19, 20, 21, 23, 24 and 25 of the Principal Ordinance. These sections contained the general financial provisions controlling the Trust. The Trust is being made subject to Division 2, Part XI of the Audit Act 1901 by amendment of the Audit Regulations.

Sections 16(a), (b) and (c) of the amending Ordinance effect minor drafting amendments. Section 16(d) removes the provision for the Trust to make repayments on advances made by the Minister for Finance as the Trust is no longer liable for these advances. Section 16 (e) omits section 22(2) of the Principal Ordinance to remove the distinction between the Trust's commercial and non-commercial activities. Section 16(e) also omits sub-section (3) of the abovementioned section of the Principal Ordinance which is being replaced by operation of the provisions of the Audit Act 1901 following amendment of the Audit Regulations.

Section 18 amends section 26 of the Principal Ordinance to provide for -

- (i) all operations of the Trust to be taken into account in calculating profit, not just its commercial operations;
- (ii) the profits of the Trust to be applied as the Minister for the Capital Territory determines following consultation with the Minister for Finance; and

- (iii) the Trust to have regard to advice from the Minister for the Capital Territory in relation to its financial affairs.

Section 19 of the amending Ordinance requires the Trust to take into account both income and expenditure when preparing estimates which are required to be submitted to the Minister for the Capital Territory not later than a date fixed by him.

Section 20(a) to (d) of the amending Ordinance effect changes required by the name change and section 20(e) provides a minor drafting change.

Section 21 of the amending Ordinance amends the Schedule of the Principal Ordinance to provide for the name change.

Section 22 of the amending Ordinance provides a saving clause to continue in operation determinations already made by the Minister for Finance in respect of the application of profits notwithstanding that such determinations are now required to be made by the Minister for the Capital Territory.

Ord. No. 69/81