

No. 34 of 1978

AN ORDINANCE

To amend the *Festival Australia Incorporation Ordinance 1973*

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

Dated this twenty-sixth day of October 1978.

ZELMAN COWEN
Governor-General

By His Excellency's Command,

R. ELLICOTT
Minister of State for the Capital Territory

FESTIVAL AUSTRALIA INCORPORATION (AMENDMENT) ORDINANCE 1978

1. This Ordinance may be cited as the *Festival Australia Incorporation (Amendment) Ordinance 1978*.* Short title
2. In this Ordinance, "Principal Ordinance" means the *Festival Australia Incorporation Ordinance 1973*.† Principal Ordinance
3. The Schedule to the Principal Ordinance is amended— Schedule
 - (a) by omitting clause 9 and substituting the following clause:
 - " 9. The Board shall consist of—
 - (a) 11 persons appointed, by instrument in writing, by the Minister of State for the Capital Territory of whom—
 - (i) 2 shall be officers or employees of the Department of the Capital Territory;
 - (ii) 1 shall be an officer or employee of the Department of the Prime Minister and Cabinet;
 - (iii) 1 shall be an officer or employee of the Department of Finance; and
 - (iv) 1 shall be a member of the Legislative Assembly who has been nominated by the Legislative Assembly; and

* Notified in the *Commonwealth of Australia Gazette* on 2 November 1978.

† Ordinance No. 43, 1973 as amended by No. 5, 1975; Nos. 14 and 46, 1976; and No. 11, 1978.

(b) if he so consents, the person who, for the time being, holds the office of Minister of State for the Capital Territory.”; and

(b) by omitting clause 12 and substituting the following clause:

“ 12. The Board shall appoint a Deputy Chairman from among its members to hold that office for such period and on such conditions as the Board determines.”.

Copy of instrument of appointment to be published in the *Gazette*

4. Where the Minister appoints a person to the Board of Governors of the corporation, he shall cause a copy of the instrument of appointment of that person to be published in the *Gazette*.

Operation of Principal Ordinance, as amended, modified during certain period

5. The Principal Ordinance, as amended by this Ordinance, has effect during the period commencing at the commencement of this Ordinance and ending at the expiration of the day on which a copy of an instrument of appointment is first published in the *Gazette* in accordance with section 4 as if—

(a) section 8 of the Principal Ordinance as so amended were not included in that Ordinance as so amended; and

(b) sub-clause 17 (3) of the Schedule to that Ordinance as so amended were not included in that Schedule.

Rights, &c., of the corporation to vest in the Commonwealth

6. The rights, privileges, obligations and liabilities of the corporation immediately before the date of commencement of this Ordinance are, on and from the date of commencement of this Ordinance, the rights, privileges, obligations and liabilities of the Commonwealth.

Substitution of Commonwealth in legal proceedings

7. (1) Proceedings that have, before the date of commencement of this Ordinance, been instituted in a court by or against the corporation and were pending immediately before that date may be continued by or against the Commonwealth.

(2) Where a cause of action arose, before the date of commencement of this Ordinance, by or against the corporation but proceedings in respect of that cause of action had not been instituted before that date, proceedings in respect of that cause of action may be instituted by or against the Commonwealth.

(3) In proceedings instituted or continued in pursuance of this section, each of the parties has the same rights, and is subject to the same obligations, as if the proceedings had been instituted or continued by or against the corporation and the Commonwealth were the corporation.

Interpretation

8. A word or expression in sections 4 to 7 (inclusive) that is defined in the Principal Ordinance as amended by this Ordinance has the same meaning for the purposes of those sections as it has in the Principal Ordinance as so amended.