

SOUTH AUSTRALIA

ADELAIDE FESTIVAL CENTRE TRUST ACT 1971

*This Act is reprinted pursuant to the Acts Republication Act 1967 and incorporates all amendments in force as at **12 May 1994**.*

It should be noted that the Act was not revised (for obsolete references, etc.) by the Commissioner of Statute Revision prior to the publication of this reprint.

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ADELAIDE FESTIVAL CENTRE TRUST ACT 1971

being

Adelaide Festival Centre Trust Act 1971 No. 93 of 1971
[Assented to 3 December 1971]¹

as amended by

Adelaide Festival Centre Trust Act Amendment Act 1972 No. 24 of 1972 [Assented to 6 April 1972]
Adelaide Festival Centre Trust Act Amendment Act 1973 No. 65 of 1973 [Assented to 6 December 1973]²
Adelaide Festival Centre Trust Act Amendment Act 1974 No. 128 of 1974 [Assented to 12 December 1974]³
Adelaide Festival Centre Trust Act Amendment Act 1976 No. 95 of 1976 [Assented to 16 December 1976]⁴
Adelaide Festival Centre Trust Act Amendment Act 1982 No. 22 of 1982 [Assented to 18 March 1982]
Adelaide Festival Centre Trust Act Amendment Act 1983 No. 98 of 1983 [Assented to 15 December 1983]
Adelaide Festival Centre Trust Act Amendment Act 1985 No. 31 of 1985 [Assented to 11 April 1985]⁵
Statutes Amendment (Finance and Audit) Act 1987 No. 13 of 1987 [Assented to 9 April 1987]⁶
Statutes Amendment (Abolition of Compulsory Retirement) Act 1993 No. 75 of 1993 [Assented to 21 October 1993]⁷
Adelaide Festival Centre Trust (Miscellaneous) Amendment Act 1994 No. 16 of 1994 [Assented to 12 May 1994]⁸

¹ Came into operation 9 December 1971: *Gaz.* 9 December 1971, p. 2371.

² Came into operation 13 December 1973: *Gaz.* 13 December 1973, p. 3266.

³ Came into operation 12 December 1974: *Gaz.* 12 December 1974, p. 3648.

⁴ Came into operation 23 December 1976: *Gaz.* 23 December 1976, p. 2321.

⁵ Came into operation 25 July 1985: *Gaz.* 25 July 1985, p. 210.

⁶ Came into operation 1 October 1987: *Gaz.* 17 September 1987, p. 886.

⁷ Came into operation 1 January 1994: s. 2.

⁸ Came into operation (except s. 4) on assent; s. 4 came into operation 1 January 1994: s. 2.

NOTE:

- Asterisks indicate repeal or deletion of text.
- For the legislative history of the Act see Appendix. Entries appearing in the Appendix in bold type indicate the amendments incorporated since the last reprint.

An Act to establish and constitute the Adelaide Festival Centre Trust, to provide for the Adelaide Festival Centre and for the management and operation thereof and for matters connected therewith and incidental thereto.

The Parliament of South Australia enacts as follows:

**PART 1
PRELIMINARY**

Short title

1. This Act may be cited as the *Adelaide Festival Centre Trust Act 1971*.

Commencement

2. This Act shall come into operation on a day to be fixed by proclamation.

Arrangement of Act

3. This Act is arranged as follows:

PART 1—PRELIMINARY

PART 2—THE TRUST—

DIVISION 1—CONSTITUTION OF THE TRUST

DIVISION 2—POWERS, ETC., OF THE TRUST

DIVISION 3—CONSTRUCTION OF DRAMA FACILITIES

PART 3—FINANCIAL

PART 3A—VESTING OF FESTIVAL THEATRE

PART 4—VESTING OF LAND

PART 5—MISCELLANEOUS.

Definitions

4. (1) In this Act unless the contrary intention appears—

"**Drama Facilities**" means a drama theatre, an amphitheatre and an experimental theatre;

"**financial year**" means any period of twelve months concluding on the thirtieth day of June, in a year;

"**member of the Council**" means the Lord Mayor of the City of Adelaide, an alderman of the Council or a councillor of the Council;

"**officer of the Council**" means an officer, as defined in section 5 of the *Local Government Act 1934*, as amended, of the Council;

"**the Centre**" means the Adelaide Festival Centre comprised of the Festival Theatre, a drama theatre, an amphitheatre, an experimental theatre and all works and conveniences incidental thereto or necessary therefor including without limiting the generality of the expression all plazas, walks, parks, open spaces, roads and car parks connected with or comprised in the Adelaide Festival Centre;

"**the Council**" means the council of The Corporation of the City of Adelaide;

"**the Festival Theatre**" means the Festival Theatre, buildings, furniture, instruments, fittings and equipment, works and conveniences authorised by the *Adelaide Festival Theatre Act 1964-1973* to be constructed and provided;

"**the Trust**" means the Adelaide Festival Centre Trust established by this Act;

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"**the vesting day**" means the vesting day fixed by the Governor pursuant to section 28A of this Act;

"**trustee**" means a trustee of the Trust appointed under this Act and includes the chairman of the trustees appointed under this Act.

(2) In this Act—

- (aa) a reference to section 654 shall be read as a reference to the land in the hundred of Adelaide delineated on the plan in the schedule in the *Adelaide Festival Theatre Act 1964-1973* bounded by a line joining the points marked C, D, E, F and C on that plan; and
- (a) a reference to section 655 shall be read as a reference to the land in the hundred of Adelaide delineated on the plan in the schedule to the *Adelaide Festival Theatre Act 1964-1970* bounded by a line joining the points marked B, C, F, G, H and B on that plan; and
- (b) a reference to section 656 shall be read as a reference to the land in the hundred of Adelaide delineated on the plan in the schedule to the *Adelaide Festival Theatre Act 1964-1970* bounded by a line joining the points marked A, B, H, J, K, L, M and A on that plan; and
- (c) a reference to section 672 shall be read as a reference to the land in the hundred of Adelaide delineated on the plan in the schedule 1 to this Act bounded by a line joining the points marked A, B, C, D and A on that plan; and
- (d) a reference to section 657 shall be read as a reference to the land in the hundred of Adelaide delineated on the plan in the schedule 2 to this Act bounded by a line joining the points marked A, B, C, D, E and A on the plan; and
- (e) a reference to section 1188 shall be read as a reference to the land in the hundred of Adelaide delineated as section 1188 on the Plan in the schedule 3 to this Act and hatched.

**PART 2
THE TRUST**

DIVISION 1—CONSTITUTION OF THE TRUST

Establishment of the Trust

5. (1) For the purposes of this Act, a body by the name of the "Adelaide Festival Centre Trust" is hereby established.

(2) The Trust—

- (a) shall be a body corporate with perpetual succession and a common seal; and
- (b) subject to this Act, shall be capable of acquiring, taking or letting out on lease, holding, selling and otherwise disposing of real and personal property; and
- (c) may in its corporate name and capacity sue and be sued; and
- (d) shall have the powers, duties, functions and authorities conferred, imposed or prescribed by or under this Act.

(3) Where a document purporting to bear the common seal of the Trust is produced before any court or person acting judicially that court or that person, as the case may be, shall, unless the contrary is proved, presume—

- (a) that the document purporting to bear the common seal of the Trust bears the common seal of the Trust; and
- (b) that the common seal was duly affixed.

Composition of the Trust

6. (1) The Trust shall consist of eight trustees, of whom—

- (a) six shall be persons nominated by the Minister; and
- (b) one shall be a person nominated by the Council from amongst the members of the Council or the officers of the Council; and
- (c) one shall be a person nominated by the Adelaide Festival of Arts Incorporated.

(2) From amongst the trustees appointed from the persons referred to in paragraph (a) of subsection (1) of this section the Governor shall appoint a trustee to be chairman of the trustees.

(3) If the Minister has given a nominating authority notice in writing requiring it within the time specified in the notice (being not less than six weeks) to nominate a person for appointment as a trustee under paragraph (b) or paragraph (c) of subsection (1) of this section and the authority fails to nominate the person required within the time specified, the Governor may, on the recommendation of the Minister, appoint a person as a trustee in place of the person in respect of the nomination of whom the failure occurred and that person so appointed shall be deemed for all purposes to have been nominated under that paragraph.

(4) Every trustee shall, subject to this Act, hold office as such until the day expressed in the instrument of his appointment (not being more than three years from the day on which he was last appointed) as being the day on which he shall cease to hold office, but a trustee appointed to fill a casual vacancy in the office of a trustee shall hold office only for the unexpired portion of the term of office of the trustee in whose place he was appointed.

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(5) On the expiration of his term of appointment as a trustee, a former trustee shall, subject to subsection (1) of this section be eligible for reappointment.

(6) The Governor may appoint a suitable person to be a deputy of any trustee, and a person so appointed may act as a trustee in the absence of the trustee of whom he has been appointed a deputy.

Acceptance of office as a trustee not to be a bar to the holding of any other office

7. Notwithstanding any other Act or law, a person shall not be disqualified by appointment as a trustee from holding office as a trustee and also any other office or place or from accepting or retaining any fees or other remuneration provided for by or under this Act, or otherwise, in respect of his service as a trustee.

Removal from office of trustee

8. The Governor may, by notice in writing served on a trustee remove the trustee from office on grounds of misconduct or incapacity to perform his duties and functions as a trustee.

Casual vacancies

9. (1) The office of a trustee shall become vacant if—

- (a) he dies; or
- (b) he resigns by written notice given to the Minister; or
- (c) he is removed from office by the Governor pursuant to section 8 of this Act; or
- (d) he is absent without leave of the Minister from three consecutive meetings of the Trust; or
- (e) he becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors or compounds with his creditors for less than one hundred cents in the dollar; or
- (f) he is convicted of any indictable offence; or
- (g) he is convicted of any other offence and receives notice in writing from the Minister discharging him from office on the ground of that conviction.

(2) The office of a trustee, being a trustee nominated by the Council pursuant to paragraph (b) of subsection (1) of section 6 of this Act, shall become vacant if—

- (a) the trustee ceases to be a member of the Council or, as the case may be, ceases to be an officer of the Council; and
- (b) the trustee has not within one month from so ceasing to be a member of the Council or, as the case may be, so ceasing to be an officer of the Council, again become such a member or officer.

Common seal, meetings and quorum

10. (1) The common seal of the Trust shall not be affixed to any instrument except in pursuance of a resolution of the Trust.

(2) Any instrument executed in pursuance of such a resolution shall be attested by the signature of any two trustees.

(3) The procedure for the calling of meetings of the Trust and for the conduct of business at such meetings shall, subject to this Act, be as determined by the Trust.

(4) Any four trustees shall constitute a quorum at any meeting of the Trust and any duly convened meeting at which a quorum is present shall be competent to transact any business of the Trust and shall have and may discharge all the powers, duties and functions of the Trust.

(5) A decision carried by the majority of the votes cast by the trustees present at a meeting of the Trust shall be the decision of the Trust.

(6) The Trust shall cause accurate minutes to be kept of its proceedings at meetings.

Remuneration of trustees

11. A trustee shall, if the Governor thinks fit, be paid such fees or other remuneration as may from time to time be fixed by the Governor and shall be entitled to receive such travelling and other expenses as are from time to time approved by the Minister.

Delegation of powers to trustees

12. (1) The Trust may by instrument over its common seal delegate to not less than two trustees any of the powers and functions conferred on the Trust by or under this Act (except this power of delegation) so that the delegated powers and functions may be exercised by the delegates with respect to the matters or matters of a class or in relation to a locality specified in the instrument of delegation.

(2) A delegation under subsection (1) of this section is revocable in writing at will and no delegation shall prevent the exercise of any power or function by the Trust conferred on it by or under this Act.

(3) Notwithstanding anything in this Act, where the delegates are unanimous in the exercise or performance of any power or function delegated under subsection (1) of this section the exercise or performance of that power or function by the delegates shall for the purposes of this Act or of any proceedings under this Act be deemed to be an exercise or performance of that power or function by the Trust.

Chairman and presiding trustee

13. (1) The chairman of the trustees shall preside at all meetings of the Trust at which he is present and in addition to a deliberative vote, shall, in the event of equality of votes, have a second or casting vote.

(2) In the absence of the chairman of the trustees from any meeting of the Trust the trustees present shall, from amongst their own number, elect a trustee to preside at that meeting and at that meeting the trustee so elected shall have and may exercise the powers and functions conferred on the chairman of the trustees by this section.

Validity of acts, etc., of Trust

14. No act, proceedings or determination of the Trust shall be invalid on the ground only of any vacancy in the office of any trustee or of any defect in the appointment of any trustee.

Secretary to the Trust

15. (1) The Trust may appoint a person to be the secretary to the Trust.

(2) The secretary to the Trust shall have and may exercise, perform and carry out such powers, functions and duties as are conferred on him by or under this Act or as are directed to be exercised, performed or carried out by the Trust.

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Trustees not, as such, subject to Public Service Act

16. A trustee shall not, as such, be subject to the *Public Service Act 1967*, as amended, but this section does not affect the rights, duties and obligations under that Act of any trustee who is otherwise an officer in the Public Service of the State.

Trustee to declare interest

17. Where a trustee becomes aware that he has a financial interest in any matter before the Trust he shall not—

- (a) refuse or fail to declare that interest to the secretary to the Trust; or
- (b) act as such a trustee in relation to any such matter.

Penalty: Five hundred dollars.

Certain property to vest in the Trust

18. All real and personal property comprised in the Centre, not being real or personal property that is pursuant to section 4 of the *Adelaide Festival Theatre Act 1964-1970* vested in the Council, shall vest in and belong to the Trust.

DIVISION 2—POWERS, ETC., OF THE TRUST**Trust subject to general control and direction of the Minister**

19. In the exercise and discharge of its powers, duties and functions and authorities the Trust shall, except where the Trust makes or is required to make a recommendation to the Minister, be subject to the general control and direction of the Minister.

Objects, powers, etc., of Trust

20. (1) Subject to this Act the Trust is charged with the responsibility of—

- (a) encouraging and facilitating artistic, cultural and performing arts activities throughout the State; and
- (b) without limiting the generality of the foregoing, the care, control, management, maintenance and improvement of the Centre and of all things necessary for, incidental and ancillary to such care, control, management, maintenance and improvement; and
- (c) providing advisory, consultative, managerial or support services, within areas of the Trust's expertise, to persons associated with the conduct of artistic, cultural or performing arts activities (whether within or outside the State); and
- (d) after consulting the Minister—providing ticketing systems and other related services (including services that involve the construction, installation, operation or maintenance of equipment associated with the provision of such systems or services) to persons associated with the conduct of entertainment, sporting or other events or projects (whether within or outside the State); and
- (e) carrying out any other function conferred on the Trust by this Act, any other Act or the Minister.

(1a) Paragraph (c) of subsection (1) is subject to the qualification that, after the commencement of this subsection, the Trust must not extend the areas of operation of its services under that paragraph except after consulting the Minister.

(2) Without limiting the generality of the provisions of subsection (1) of this section the Trust may in the furtherance of its objects—

- (a) make available on such terms as it sees fit any building or facility comprised in the Centre for any purpose for which, in the opinion of the Trust, that building or facility is situated; and
- (b) enter into any contract, agreement or arrangement, to operate within or without the State, with any person or body whether corporate or unincorporate for the purpose of the exercise of its powers or functions; and
- (c) provide or cause to be provided meals, refreshments, and catering services in connection with the use of any building or facility within the Centre; and
- (d) authorise, on such terms and conditions as it sees fit, any person to sell any wares within the Centre; and
- (e) acquire any patents or licences which in the opinion of the Trust will assist in the Trust exercising and discharging its powers and functions and may sell or otherwise dispose of any such patents or licences; and
- (f) give or contribute towards prizes in competitions designed to encourage artistic, cultural and performing arts activity within the State or make grants and give other assistance for such purposes; and
- (g) do any or all things whether or not of the same kind as the foregoing which in the opinion of the Trust will effectuate the objects of the Trust.

Employment of officers, servants, etc.

21. (1) For the purposes of this Act the Trust may employ such officers and servants as it thinks necessary.

(2) The terms and conditions of employment of its officers or servants shall be as determined by the Trust.

(3) Without limiting the generality of subsection (2) of this section, the Trust may, with the approval of the Minister, determine that, for the purposes of the accrual of, or the payment of a lump sum in lieu of the grant of, long service leave or for the purposes of the accrual of leave on account of illness, previous service of an officer or servant of the Trust with an employer other than the Trust for the purposes and to the extent approved of by the Minister shall be regarded as service as an officer or servant of the Trust.

(4) For the purposes of this section the Trust may enter into an arrangement or supplementary arrangement of a kind contemplated by section 6 of the *Superannuation Act 1969*, as amended, with the South Australian Superannuation Board.

Trust may make use of services of employees of public service

22. The Trust may, with the approval of the Minister and the consent of the Minister controlling any department of the public service of the State and on such terms as may be mutually arranged make use of the services of any of the officers or employees of that department.

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Arrangement with the Council for the management of the Festival Theatre

23. The Trust may enter into an arrangement with the Council upon such terms as are approved of by the Minister to perform and exercise on behalf of the Council, until the vesting day, the powers and functions in relation to the care, control and management of the Festival Theatre conferred on the Council by section 4 of the *Adelaide Festival Theatre Act 1964-1970* and the Trust may so perform or exercise any such powers and functions under and in accordance with any such arrangement.

DIVISION 3—CONSTRUCTION OF DRAMA FACILITIES

Construction of Drama Facilities

24. (1) The Trust may, subject to this Act, out of moneys to be provided by Parliament for the purpose or out of moneys borrowed pursuant to section 26 of this Act, construct and provide, on land within the City of Adelaide vested in the Trust or which may be vested in the Trust, Drama Facilities and buildings to be used therewith and may provide the furniture, instruments, fittings and equipment thereof or therefor and carry out and construct all works and conveniences incidental to or necessary for any of the foregoing and may construct and provide any works and conveniences incidental to or necessary for the Festival Theatre.

(1a) In addition to and without derogating from the powers conferred on the Trust by subsection (1) of this section, the Trust may out of moneys to be provided by Parliament for the purpose or out of moneys borrowed pursuant to section 26 of this Act, construct and provide on, over or under any land, not vested and not to be vested in the Trust, with the consent of the owner of that land—

- (a) such means of access to land vested in the Trust or which may be vested in the Trust as are, in the opinion of the Trust, necessary or desirable; and
- (b) such buildings, works and conveniences, the construction and provision of which, in the opinion of the Trust, is necessary or desirable to secure to the Trust the full and convenient use of land vested in the Trust or which may be vested in the Trust.

(2) The Drama Facilities and associated works and conveniences shall be constructed and provided in accordance with designs approved by the Minister and the designs shall set forth and contain such particulars as the Minister may require.

(3) The works authorised by this section shall not be a public work as defined in section 3 of the *Public Works Standing Committee Act 1927*, as amended.

**PART 3
FINANCIAL**

Trust to keep proper accounts

25. (1) The Trust shall keep proper accounts showing accurately and in detail all its financial transactions, assets and liabilities.

(2) The Auditor-General must, in respect of each financial year of the Trust, audit the accounts of the Trust.

* * * * *

Power to borrow

26. (1) The Trust may with the consent of the Treasurer, for the purposes of exercising or performing its powers and functions under this Act, borrow money at interest from any person upon such security (if any) by way of mortgage or charge over any of the assets of the Trust, as the Trust may think fit to grant.

(2) The Treasurer may upon such terms and conditions as he thinks fit guarantee the repayment on any moneys (together with interest thereon) borrowed by the Trust under this section.

(3) Any moneys required to be paid in satisfaction of a guarantee given pursuant to subsection (2) of this section may be paid out of the general revenue of the State which is hereby to the necessary extent appropriated accordingly.

Funds of the Trust

27. (1) The moneys required by the Trust for the purposes of the exercise and performance of its powers and functions under this Act shall be—

- (a) all moneys received by the Trust in the exercise and performance of its powers or functions; and
- (b) all moneys borrowed by the Trust pursuant to section 26 of this Act; and
- (c) all moneys being gifts to the Trust or derived from the disposition by the Trust of gifts to the Trust; and
- (ca) all moneys made available to the Trust by the Government of the Commonwealth; and
- (d) all moneys paid to the Trust by way of grants by the Treasurer out of moneys to be provided by Parliament for the purpose.

(2) Such of the moneys of the Trust as are not immediately required by the Trust may be lodged on deposit with the Treasurer or invested in any other manner approved of by the Treasurer.

Budget

28. (1) As soon as practicable after the commencement of this Act the Trust shall present to the Minister a budget showing its estimates of revenue and expenditure over the balance of the financial year within which the budget is presented and thereafter the Trust shall before the commencement of each succeeding financial year present to the Minister a budget showing its estimates of its revenue and expenditure for that succeeding financial year.

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(2) The Minister may approve of any budget presented to him pursuant to subsection (1) of this section or may direct or allow the Trust to amend a budget before so approving of the budget.

(3) The Trust shall not, without the consent of the Minister, incur any expenditure that is not authorised by an approved budget.

(4) In this section—

"approved budget" means a budget that has been approved of by the Minister or a budget that, having been amended, has been approved of by the Minister.

PART 3A
VESTING OF FESTIVAL THEATRE

Vesting day

28A. (1) Subject to this section the Governor may, by proclamation, fix a day to be the vesting day for the purposes of this Act.

(2) The Governor shall not make a proclamation under this section until the Treasurer has certified—

- (a) that arrangements of a kind referred to in subsection (1) of section 28B of this Act have been entered into between the Trust and the Council; and
- (b) that the Treasurer is satisfied with those arrangements.

Arrangements

28B. (1) As soon as practicable after the commencement of the *Adelaide Festival Centre Trust Act Amendment Act 1973* the Trust and the Council shall, subject to this section, enter into such arrangements as are necessary or expedient for the purposes of—

- (a) the discharge by the Council of the obligations, including financial obligations, imposed on it by or under the *Adelaide Festival Theatre Act 1964-1973* in connection with the carrying out of and giving effect to section 3 of that Act in so far as those obligations relate to matters arising before the vesting day; and
- (b) the assumption by the Trust of the obligations, including financial obligations, other than the liability of the Council referred to in subsection (2) of section 7A of the *Adelaide Festival Theatre Act 1964-1973* that had the *Adelaide Festival Centre Trust Act Amendment Act 1973* not been enacted would have been imposed on the Council under the *Adelaide Festival Theatre Act 1964-1970* in connection with the carrying out of and giving effect to section 3 of that Act in so far as those obligations would have related to matters arising on or after the vesting day.

(2) The amount payable by the Council pursuant to any arrangements under subsection (1) of this section, when aggregated with all other amounts paid by the Council pursuant to the *Adelaide Festival Theatre Act 1964-1973* in connection with the carrying out and giving effect to section 3 of that Act other than any amounts paid in satisfaction of any liability of the Council referred to in subsection (2) of section 7A of that Act after deducting all amounts paid to the Council by the Treasurer under section 7 of that Act, shall not exceed in total the sum of \$2 100 000 which amount includes an amount of \$200 000 paid to the Council by the Government of the Commonwealth and the amount of \$100 000 referred to in paragraph (a) of subsection (4) of section 17 of that Act.

(3) Notwithstanding any Act or law (including this Act) to the contrary the Trust and the Council shall each have power to enter into, carry out and give effect to any arrangements referred to in subsection (1) of this section.

Vesting of Festival Theatre

28C. On and from the vesting day the Festival Theatre shall vest in and belong to the Trust.

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**PART 4
VESTING OF LAND**

Vesting of certain land in the Trust

29. Section 655, section 656 and section 672 shall on and from the commencement of this Act, by force of this section, vest in the Trust for an estate in fee simple freed and discharged from any trust, estate, right, title, interest, claim or demand of any description whatsoever.

Vesting of section 657

29A. Section 657 shall on and from the commencement of the *Adelaide Festival Centre Trust Act Amendment Act 1973*, by force of this section, vest in the Trust for an estate in fee simple freed and discharged from any trust, estate, right, title, interest, claim or demand of any description whatsoever.

Vesting of section 654

29B. Section 654 shall on and from the vesting day, by force of this section, vest in the Trust for an estate in fee simple freed and discharged from any trust, estate, right, title, interest, claim or demand of any description whatsoever.

Vesting of section 1188

29C. Section 1188 shall on and from the commencement of the *Adelaide Festival Centre Trust Act Amendment Act 1976*, by force of this section vest in the Trust for an estate in fee simple freed and discharged from any trust, estate, right, title, interest, claim or demand of any description whatsoever.

Duty of the Registrar-General

30. (1) The Registrar-General shall upon the application of the Trust, upon being furnished with such information as he considers necessary, cause to be made such entries and endorsements in any register book or other record in his custody and on any document of title and cause to be issued such certificates of title as he considers appropriate for giving full effect to the vesting of land pursuant to this Part without being obliged to make any further investigation of title or to make any public advertisement.

(2) In this section "**the Registrar-General**" means the person for the time being holding the office of Registrar-General under the *Real Property Act 1886*, as amended, or the Registrar-General of Deeds under the *Registration of Deeds Act 1935*, as amended.

**PART 5
MISCELLANEOUS**

Assumed value of Trust property

31. (1) For the purpose of calculating water and sewerage rates, the land comprised in the Centre at King William Road will be taken to have an annual value of \$50 000 and a capital value of \$1 000 000.

(2) This section will expire on 30 June 1997.

Liability for council rates

31A. (1) Subject to subsection (2), land owned by the Trust is not rateable under the *Local Government Act 1934*.

(2) If any such land is occupied under a lease or licence by a person other than the Crown or an agency or instrumentality of the Crown, that person is liable as occupier of the land to rates levied under the *Local Government Act 1934*.

Reports

32. (1) As soon as practicable after the end of each financial year the Trust shall present a report to the Minister on its activities during the year and setting out in a form approved by the Minister a statement as to its financial position.

(2) The Minister shall cause every report of the Trust made in accordance with subsection (1) of this section to be laid before each House of Parliament within fourteen days of his receipt thereof if Parliament is then in session or if Parliament is not then in session within fourteen days of the commencement of the next session of Parliament.

Gifts, etc.

33. (1) The Trust may accept—

- (a) grants, conveyances, transfers and leases of land whether from the Crown or any instrumentality thereof or any other person; and
- (b) rights to the use, control, management or occupation of any land; and
- (c) gifts of personal property of any kind to be used or applied by it for the purposes of this Act.

(2) Notwithstanding anything contained in the *Stamp Duties Act 1923*, as amended, no stamp duty shall be payable on any instrument by which land or any interest in or right over land is granted or assured to or vested in the Trust or on any contract or instrument executed by the Trust for the purpose of disposing of any property.

(3) Notwithstanding anything contained in the *Succession Duties Act 1929*, as amended, no succession duty shall be payable in respect of any property or interest passing to the Trust on or by reason of the death of any person, and any such property shall not be subject to succession duty under that Act.

(4) Notwithstanding anything in the *Gift Duties Act 1968*, as amended, no gift duty under that Act shall be payable in respect of the gift of any real or personal property to the Trust.

Summary procedure

34. Proceedings for offences against this Act shall be disposed of summarily.

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Regulations

35. (1) The Governor may, on the recommendation of the Trust, make such regulations as are necessary or expedient for the purposes of giving effect to the provisions or objects of this Act.

(2) Without limiting the generality of the provisions of subsection (1) of this section, the regulations may—

- (a) provide for the disposition by the Trust of any unclaimed property left in or on the Centre; and
- (b) provide for the securing of decency and order in or on the Centre; and
- (c) prohibit or regulate the taking of intoxicating liquor into or onto the Centre; and
- (d) provide for and regulate the movement and parking of motor vehicles in and about the Centre and to prescribe charges or fees for parking of motor vehicles; and
- (e) provide for and prescribe penalties, in each case, not exceeding two hundred dollars, for a contravention of or failure to comply with any provision of the regulations.

(3) In any proceedings relating to an offence against a regulation relating to the moving or parking of motor vehicles—

- (a) an allegation in a complaint that a person named in the complaint was the owner of a vehicle referred to therein on a specified day shall be deemed to be proved in the absence of proof to the contrary; and
- (b) where it is proved that a vehicle was parked in contravention of a regulation it shall be presumed in the absence of proof to the contrary, that the vehicle was so parked by the owner of the vehicle.

(4) Where it is alleged that a person has committed an offence against a regulation relating to the moving or parking of motor vehicles, the Trust may cause to be served personally or by post upon that person a notice to the effect that he may expiate the offence by payment to the Trust of an amount specified in the notice, being an amount fixed by regulation, within a time fixed by the notice, and if the offence is so expiated no proceedings shall be commenced in any court in respect to the alleged offence.

Expiation fees

36. (1) This section shall apply to any prescribed offence created by regulation under this Act relating to the movement and parking of motor vehicles in and about the Centre.

(2) In every regulation under this Act creating a prescribed offence there shall be stated an amount (not exceeding ten dollars) in relation to each such offence which shall, subject to this section, be payable for expiation of that offence.

(3) If a person authorised by the Trust to exercise the powers conferred by this subsection believes or suspects that an offence to which this section applies has been committed he may give written notice to the effect that the offence may be expiated by the payment to the Trust of the appropriate expiation fee for the offence.

(4) A notice under subsection (3) of this section—

- (a) need not identify by name, address or description the person alleged to have committed the offence; and

- (b) may be given—
 - (i) by sending the notice by post addressed to the place of residence or business of a person alleged to have committed the offence; or
 - (ii) where the alleged offence involves a motor vehicle by fixing it or placing it on the motor vehicle.

(5) The notice may require the appropriate expiation fee to be paid before any day, or within any period, specified in the notice.

(6) If in respect of any such offence the appropriate expiation fee is paid to the Trust in accordance with the notice the person alleged to have committed the offence shall not be liable to prosecution in any court for that offence.

Powers of Council

37. (1) Notwithstanding anything in this Act, or any other Act or law, any exercise or purported exercise by the Council of its powers under—

- (a) section 373 of the *Local Government Act 1934-1976*; or
- (b) Part 22A of that Act; or
- (c) paragraph (47) of section 667 of that Act,

shall to the necessary extent have effect and be deemed always to have had effect in or about the Centre.

(2) Where the exercise or purported exercise of any of the powers referred to in subsection (1) of this section is or was inconsistent with a provision of this Act, that provision shall, to the extent of that inconsistency, be or be deemed to be void and of no effect.

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SCHEDULE 1

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SCHEDULE 2

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SCHEDULE 3

APPENDIX

LEGISLATIVE HISTORY

- Legislative history prior to 3 February 1976 appears in marginal notes and footnotes included in the consolidation of this Act contained in Volume 1 of The Public General Acts of South Australia 1837-1975 at page 79.
- Legislative history since 3 February 1976 (**entries in bold type indicate amendments incorporated since the last reprint**) is as follows:

Section 4(2):	amended by 95, 1976, s. 3
Section 6(1):	substituted by 31, 1985, s. 3(a)
Section 6(3):	amended by 31, 1985, s. 3(b)-(d)
Section 6(4):	amended by 75, 1993, s. 4.
Section 6(6):	inserted by 31, 1985, s. 3(e)
Section 20(1):	amended by 16, 1994, s. 3(a)
Section 20(1a):	inserted by 16, 1994, s. 3(b)
Section 20(2):	amended by 95, 1976, s. 4
Section 25(2):	substituted by 13, 1987, s. 3
Section 25(3):	repealed by 13, 1987, s. 3
Section 29C:	inserted by 95, 1976, s. 5
Section 31:	amended by 22, 1982, s. 2; 98, 1983, s. 2; substituted by 16, 1994, s. 4
Section 31A:	inserted by 16, 1994, s. 4
Section 35(2):	amended by 95, 1976, s. 6(a)
Section 35(3) and (4):	inserted by 95, 1976, s. 6(b)
Sections 36 and 37:	inserted by 95, 1976, s. 7
Schedule 3:	inserted by 95, 1976, s. 8