ANNO VICESIMO SECUNDO

ELIZABETHAE II REGINAE

A.D. 1973

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No. 65 of 1973

An Act to amend the Adelaide Festival Centre Trust Act, 1971-1972.

[*Assented to 6th December,* 1973]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

Short titles.

1. (1) This Act may be cited as the "Adelaide Festival Centre Trust Act Amendment Act, 1973".

(2) The Adelaide Festival Centre Trust Act, 1971-1972, is hereinafter referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Adelaide Festival Centre Trust Act, 1971-1973".

Commencement.

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

Amendment of principal Act, s. 3—Arrangement of Act.

3. Section 3 of the principal Act is amended by inserting after the passage "PART III—FINANCIAL" the passage "PART IIIA—VESTING OF FESTIVAL THEATRE".

Amendment of principal Act, s. 4—Interpretation.

4. Section 4 of the principal Act is amended—

(*a*) by inserting in subsection (1) after the definition of "the Council" the following definition:—

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

(*b*) by inserting in subsection (1) after the definition of "the Trust" the following definition:—

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

(*c*) by inserting in subsection (2) immediately before paragraph (*a*) the following paragraph:—

(*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;;

(*d*) by striking out from subsection (2) the word "and" immediately following paragraph (*b*);

(*e*) by inserting in paragraph (*c*) of subsection (2) after the passage "plan in the" the word "first";

and

(*f*) by inserting in subsection (2) immediately after paragraph (*c*) the following word and paragraph:—

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 second schedule to this Act bounded by a line joining the points marked A, B, C, D, E and A on the plan.

Amendment of principal Act, s. 23— Arrangements with the Council for the management of the Festival Theatre.

5. Section 23 of the principal Act is amended by inserting after the passage "on behalf of the Council" the passage ", until the vesting day,".

Amendment of principal Act, s. 27— Funds of the Trust.

6. Section 27 of the principal Act is amended by inserting immediately after paragraph (*c*) the following paragraph:—

(*ca*) all moneys made available to the Trust by the Government of the Commonwealth;.

Enactment of Part IIIA of principal Act—

7. The following Part, heading and sections are enacted and inserted in the principal Act immediately after section 28 thereof:—

PART IIIA

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.

Enactment of ss. 29a and 29b of principal Act—

8. The following sections are enacted and inserted in the principal Act immediately after section 29 thereof:—

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.

Amendment of principal Act, s. 30—Duty of Registrar-General.

9. Section 30 of the principal Act is amended by striking out from subsection (1) the passage "section 29 of this Act" and inserting in lieu thereof the passage "the vesting of land pursuant to this Part".

Amendment of principal Act, s. 31—Assumed value of Trust property.

10. Section 31 of the principal Act is amended by striking out the passage ", other than real property comprised in the Festival Theatre as defined in the Adelaide Festival Theatre Act, 1964-1970,".

Amendment of schedule of principal Act.

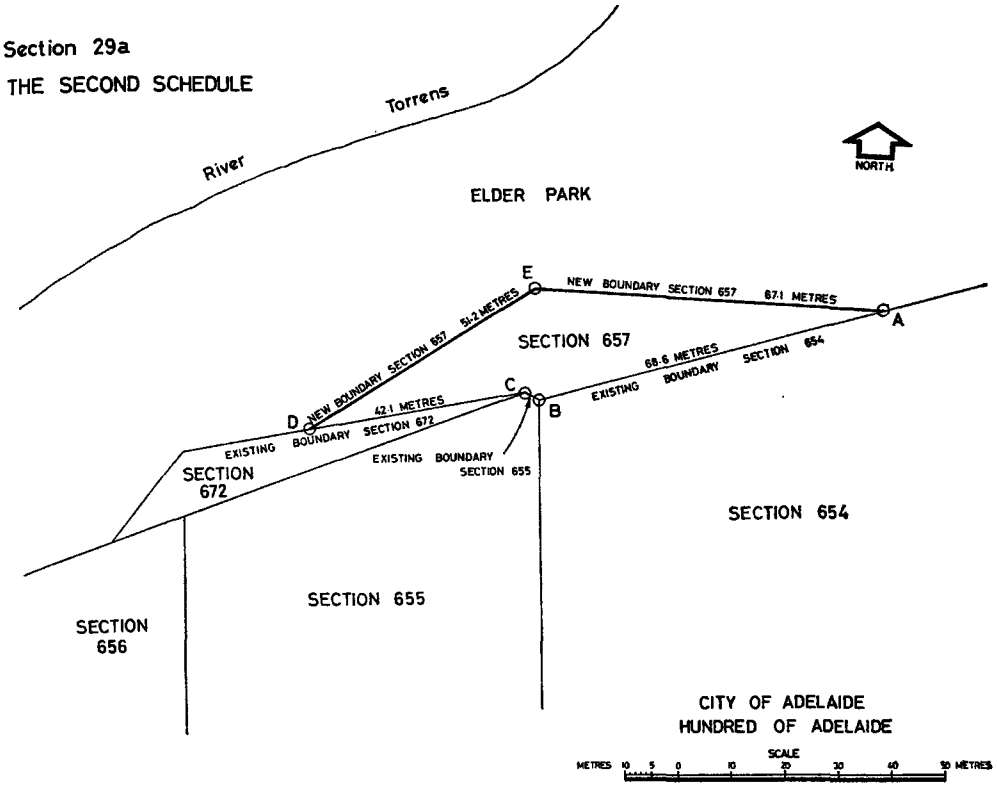
11. The schedule to the principal Act is amended by striking out the passage "THE SCHEDULE" and inserting in lieu thereof the passage "THE FIRST SCHEDULE".

Enactment of second schedule of principal Act.

12. The following schedule is enacted and inserted in the principal Act immediately after the first schedule to the principal Act:—

Section 29a

THE SECOND SCHEDULE



In the name and on behalf of Her Majesty, I hereby assent to this Bill.

M. L. OLIPHANT, Governor