

NORTHERN TERRITORY OF AUSTRALIA

ARALUEN ARTS AND CULTURAL TRUST ACT REPEAL ACT 1986

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No. 58 of 1986

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### AN ACT

to repeal the *Araluen Arts and Cultural Trust Act*, to make other provision for the control and management of the Araluen Arts and Cultural Centre and for related purposes

[Assented to 19 December 1986]

**B**E it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

1. SHORT TITLE

This Act may be cited as the *Araluen Arts and Cultural Trust Act Repeal Act 1986*.

2. COMMENCEMENT

This Act shall come into operation on 1 January 1987.

3. REPEAL

The *Araluen Arts and Cultural Trust Act 1979*, being Act No. 91 of 1979, is repealed.

4. DEFINITIONS

In this Act -

"accepted Trust property" means property accepted by the Trust pursuant to section 21(1) of the Repealed Act and held by it for the purposes for which it was accepted;

"Centre" means the Araluen Arts and Cultural Centre, and includes all works and conveniences incidental to or necessary for the Araluen Arts and Cultural Centre including, without limiting the generality of the expression, all plazas, walks, parks, open spaces, roads and car parks connected with or comprised in the Araluen Arts and Cultural Centre;

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"Chairman" means the Chairman of the Trust;

"Council" means the Council of the Municipality of Alice Springs;

"Repealed Act" means the Act repealed by section 3;

"Trust" means the Araluen Arts and Cultural Trust established by section 4 of the Repealed Act.

5. PROPERTY, &c., OF TRUST TRANSFERRED TO COUNCIL

(1) As from the commencement of this Act, the Council is charged with the responsibility for the care, control, management, maintenance and improvement of the Centre and of all things necessary for or incidental and ancillary to such care, control, management, maintenance and improvement.

(2) All property and rights vested in the Trust, whether as trustee or otherwise, immediately before the commencement of this Act is and are, by virtue of this section and without further assurance, vested in the Council, and the Council has such powers as are necessary to take possession of, recover and deal with such property and enforce such rights.

(3) All agreements (other than contracts of employment) in force immediately before the commencement of this Act to which the Trust was a party or which affect the Trust, and whether or not the rights, liabilities and obligations under the agreements could be assigned, shall have effect as if the Council were a party to or affected by the agreements instead of the Trust and as if, in relation to anything to be done on or after that commencement, for every reference (however worded and whether expressed or implied) in the agreements -

(a) to the Trust, there were substituted a reference to the Council; and

(b) to the Chairman, there were substituted a reference to the Clerk of the Council.

6. FUNCTION PERFORMED OUTSIDE MUNICIPALITY

Where the performance of a function of the Council in relation to -

(a) the Centre; or

(b) any property or right vested in the Council or an agreement to which the Council is made a party, under section 5,

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would take place outside the Municipality of Alice Springs and would, except for this section, require the consent of the Minister under section 86 of the *Local Government Act*, then, if the performance of the function would be within the Alice Springs Region as declared under section 17(2) of the Repealed Act, that consent shall be deemed to have been given without specific reference to the Minister.

7. RULE AGAINST PERPETUITIES, &c., NOT TO APPLY

For the avoidance of doubt the rules of law commonly known as -

- (a) the rule against perpetuities; and
- (b) the rule against accumulations,

to the extent that they are part of the law in force in the Territory, are declared not apply to or in relation to any accepted Trust property where the property is dealt with by the Council under section 94(2) of the *Local Government Act* in a manner consistent with any trust or purpose impressed on the property.

8. TERRITORY TO INDEMNIFY COUNCIL

The Territory shall indemnify the Council, and keep the Council indemnified, against all actions, claims or demands brought or made against the Council in relation to an act done or omitted to be done by or on behalf of the Trust before the commencement of this Act, being actions, claims or demands that, but for this Act, could be brought or made against the Trust.

9. NO DUTY OR FEE PAYABLE

Neither the Trust nor the Council is liable for a duty, fee or other charge in relation to the transfer or vesting of property transferred to or vested in the Council under this Act.

10. DISSOLUTION OF TRUST

(1) The Chairman shall, before 1 March 1987, dispose of the records, accounts and common seal of the Trust as agreed with or directed by the Minister.

(2) The body corporate of the Trust is dissolved on 1 March 1987.