

THE NORTHERN TERRITORY OF AUSTRALIA  
ARALUEN ARTS AND CULTURAL TRUST ACT

No. 91 of 1979

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# THE NORTHERN TERRITORY OF AUSTRALIA

No. 91 of 1979

## AN ACT

To establish a Trust to control and manage the  
Araluen Arts and Cultural Centre and for  
related purposes

[Assented to 10 August 1979]

**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:

### PART I - PRELIMINARY

1. This Act may be cited as the Araluen Arts and Cultural Trust Act 1979. Short title
2. This Act shall come into operation on a date to be fixed by the Administrator by notice in the Gazette. Commencement
3. In this Act, unless the contrary intention appears - Definitions
  - "Araluen Foundation" means the Araluen Foundation for Art and Cultural Conservation Incorporated;
  - "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;
  - "Chairman" means the Chairman of the Trust appointed under section 7;
  - "Corporation" means the Corporation of the Municipality of Alice Springs;
  - "trustee" means a trustee of the Trust and includes the Chairman;
  - "Trust" means the Araluen Arts and Cultural Trust established by section 4.

Araluen Arts and Cultural Trust

PART II - ARALUEN ARTS AND CULTURAL TRUST

Division 1 - Establishment and Constitution  
of the Trust

Trust

4.(1) There is established by this Act a body by the name of the Araluen Arts and Cultural Trust.

(2) The Trust -

(a) is a body corporate with perpetual succession;

(b) shall have a common seal;

(c) may acquire, hold and dispose of real and personal property; and

(d) may sue and be sued in its corporate name.

(3) The Trust shall be a statutory corporation to which Divisions 1 and 2 of Part IV of the Financial Administration and Audit Act apply.

(4) All courts, judges and persons acting judicially shall take judicial notice of the common seal of the Trust affixed to a document and shall presume that it was duly affixed.

Composition  
of Trust

5.(1) Subject to this Act, the Trust shall consist of not more than 7 trustees.

(2) The exercise of the powers and the performance of the functions of the Trust shall not be affected by reason only of there being a vacancy or vacancies in the membership of the Trust.

Appointment  
of trustees

6.(1) Subject to this section, the Minister may appoint a person to be a trustee.

(2) The appointment of 4 trustees shall be made on the nomination of the Araluen Foundation or, in default of such nomination, directly by the Minister.

(3) The appointment of 2 trustees shall be made on the nomination of the Corporation or, in default of such nomination, directly by the Minister.

(4) The Minister may, in addition to the trustees referred to in sub-sections (2) and (3), appoint one other person to be a trustee.

Chairman

7.(1) The Minister shall appoint a trustee to be the first Chairman of the Trust.

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(2) When the trustee appointed under sub-section (1) ceases to hold office as Chairman, the Trust shall, from time to time as the occasion requires, appoint a trustee to be the Chairman.

(3) A trustee appointed as the Chairman shall hold office as Chairman until the expiration of the term of office as a trustee that is current at the time of his appointment, but shall cease to be the Chairman if he ceases to be a trustee.

(4) A trustee may resign his office as the Chairman by writing signed by him and delivered to the Trust at a meeting of the Trust.

(5) A trustee is eligible to be reappointed as the Chairman.

### 8. Subject to this Act -

Tenure

(a) a trustee shall be appointed for a period not exceeding 3 years; and

(b) a trustee shall be eligible for reappointment.

9. A trustee may resign his office by writing signed by him and delivered to the Minister.

Resignation

10.(1) Subject to sub-section (3), the Minister shall not terminate the appointment of a trustee referred to in section 6(2) or (3) except upon the request in writing of -

Termination  
of office

(a) the Araluen Foundation, where the trustee was nominated by the Araluen Foundation; or

(b) the Corporation, where the trustee was nominated by the Corporation.

(2) Where the Araluen Foundation or the Corporation requests the Minister to terminate the appointment of a trustee nominated by the Araluen Foundation or the Corporation respectively, the Minister shall thereupon terminate the appointment of that trustee.

(3) The Minister shall terminate the appointment of a trustee who -

(a) becomes, by reason of incapacity, incapable of continuing as a trustee;

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- (b) has been convicted and is under sentence of imprisonment for 3 months or longer for an offence against a law of the Territory or of the Commonwealth or a State;
- (c) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit;
- (d) is absent, except on leave granted by the Trust, from 3 consecutive meetings of the Trust;
- (e) fails to comply with section 14;
- (f) in the case of a trustee nominated by the Araluen Foundation under section 6(2) who was a member of the Araluen Foundation at the date of his nomination - ceases to be a member of the Araluen Foundation; or
- (g) in the case of a trustee nominated by the Corporation under section 6(3) who was a member of the Corporation at the date of his nomination -
  - (i) ceases to be a member of the Corporation; and
  - (ii) has not within one month from so ceasing to be a member of the Corporation again become such a member.

Leave of  
absence

11. The Minister may grant leave of absence to a trustee upon such terms and conditions as the Minister determines.

Meetings

12.(1) Subject to this section, the Trust shall meet as often as the Chairman considers necessary for the exercise of its powers and the performance of its functions, but so that the period between any 2 successive meetings does not exceed 3 months.

(2) The Chairman shall call a meeting of the Trust within 7 days after he receives a written request to do so, signed by not less than 4 trustees.

(3) The Chairman shall fix the place, date and time of a meeting of the Trust and shall give not less than 4 days notice of the meeting to each trustee, unless the trustee accepts less notice.

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13.(1) Subject to this Act, at a meeting of the Trust - Procedure

- (a) the Chairman, when present, shall preside;
- (b) in the absence of the Chairman, the trustees present shall, from amongst their number, elect a trustee to preside at that meeting;
- (c) 4 trustees constitute a quorum;
- (d) all questions shall be decided by a majority of the votes of the trustees present and voting; and
- (e) the trustee presiding shall have a deliberative vote and, in the event of an equality of votes, shall have a casting vote.

(2) Subject to this Act and to the Financial Administration and Audit Act, the Trust shall determine its own procedures.

14.(1) Where a trustee or the spouse, child or parent of a trustee has a direct or indirect financial interest in a matter being considered or about to be considered by the Trust, that trustee shall, as soon as possible after the relevant facts have come to his knowledge, disclose the nature of that interest at a meeting of the Trust.

Trustee not  
to act where  
interested

(2) A disclosure under sub-section (1) shall be recorded in the minutes of the Trust and the trustee -

- (a) shall not take part in any deliberation or decision of the Trust in relation to the matter which is the subject of the interest disclosed; and
- (b) shall be disregarded for the purpose of constituting a quorum for any such deliberation or decision.

15. A civil action or proceeding does not lie against a trustee for or in respect of an act or thing done or omitted to be done in good faith by him in his capacity as a trustee.

Protection  
of trustees

16.(1) The Trust may, by instrument in writing under its common seal, either generally or in relation to a matter or class of matters, delegate to -

Delegation

- (a) a trustee; or

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(b) a committee consisting of trustees,

all or any of its powers and functions under this Act, except this power of delegation.

(2) A power delegated in accordance with sub-section (1) may be exercised by the delegate in accordance with the instrument of delegation, and when so exercised shall, for the purposes of this Act, be taken to have been exercised by the Trust.

(3) A delegation under this section is revocable by the Trust at will and does not prevent the exercise of a power or the performance of a function by the Trust.

### Division 2 - Powers and Functions of the Trust

General control and direction of Minister 17.(1) In the exercise and discharge of its powers, duties and functions 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.

(2) For the better performance of the functions of the Trust under this Act, the Minister may declare an area of land to be known as the Alice Springs Region.

Objects, powers, &c., of Trust 18.(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 Alice Springs Region; and

(b) without limiting the generality of paragraph (a), 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) Without limiting the generality of the provisions of sub-section (1), the Trust may in furtherance of its objects -

(a) make available on such terms as it considers fit any building or facility comprised in the Centre for any purpose for which, in the opinion of the Trust, the building or facility is suited;

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- (b) enter into any contract, agreement or arrangement, to operate within or outside the Territory, with any person for the purpose of the exercise of its powers or functions;
- (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;
- (d) authorize, on such terms and conditions as it considers fit, any person to sell any wares within the Centre;
- (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;
- (f) give or contribute towards prizes in competitions designed to encourage artistic, cultural and performing arts activities within the Alice Springs Region 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 matters referred to in paragraphs (a) to (f) inclusive which, in the opinion of the Trust, will give effect to the objects of the Trust.

19.(1) For the purposes of this Act, the Trust may employ such persons as it thinks necessary.

Trust may  
engage  
employees

(2) Subject to any other law in force in the Territory, persons employed by the Trust shall be employed on such terms and conditions, including conditions with respect to the duration of the employment or with respect to dismissal from employment, as the Trust, with the approval of the Minister, determines.

20. The moneys of the Trust shall consist of -

Moneys of  
Trust

- (a) moneys received by the Trust in the exercise and performance of its powers or functions;
- (b) moneys being gifts to the Trust or derived from the disposition by the Trust of gifts to the Trust;
- (c) moneys made available to the Trust by the Government of the Commonwealth;



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(d) moneys made available to the Trust by the Treasurer out of the Consolidated Fund; and

(e) such other moneys as may lawfully be paid to the Trust.

Gifts, &c.

21.(1) The Trust may accept -

(a) grants, conveyances, transfers and leases of land;

(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 Duty Act, no stamp duty shall be payable on any instrument by which any property or interest is granted or assured to or vested in the Trust.

### PART III - MISCELLANEOUS

Regulations

22. The Administrator may make regulations, not inconsistent with this Act, prescribing all matters that are required or permitted by this Act to be prescribed or are necessary or convenient to be prescribed for giving effect to this Act.

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