

AUSTRALIA'S ONE HUNDRED
AND FIFTIETH ANNIVERSARY
CELEBRATIONS ACT.

Act No. 57, 1936.

An Act to make provision with respect to the Celebration of the one hundred and fiftieth Anniversary of the Landing in Sydney Cove of Governor Phillip and of the Establishment of the Colony of New South Wales and the Founding and Settlement of Australia; to authorise the Municipal Council of Sydney, the Sydney County Council and each Municipal, Shire, and County Council to make available out of their respective funds and to expend moneys for the purposes of such celebration; and for purposes connected therewith. [Assented to, 23rd December, 1936.]

George VI,
No. 57, 1936.

WHEREAS a body known as Australia's One Hundred and Fiftieth Anniversary Celebrations Council has been formed in New South Wales

Preamble.

Wales

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Wales for the purpose of arranging for the celebration in a fitting manner of the one hundred and fiftieth anniversary of the founding and settlement of Australia; and whereas the said body held its first meeting on the twenty-fifth day of March, one thousand nine hundred and thirty-six, and since that day has continued to hold meetings and to consider and make preliminary arrangements with respect to such celebrations; and whereas it is expedient, in order that such arrangements may be proceeded with and other arrangements with respect to such celebrations may be considered and concluded, that a body to be known as Australia's One Hundred and Fiftieth Anniversary Celebrations Council should be constituted and incorporated, as hereinafter provided; and whereas it is expedient to make further provision with respect to such celebrations as hereinafter enacted: Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Short title
and com-
mencement.

1. This Act may be cited as "Australia's One Hundred and Fiftieth Anniversary Celebrations Act, 1936."

Interpre-
tation.

2. In this Act, unless inconsistent with the context or subject-matter,—

"Celebrations" means celebrations in connection with the one hundred and fiftieth anniversary of the founding and settlement of Australia.

"Council" means Australia's One Hundred and Fiftieth Anniversary Celebrations Council constituted and incorporated under this Act.

"Fund" means Australia's One Hundred and Fiftieth Anniversary Celebrations Fund established under this Act.

"Preliminary Council" means the body of persons known as Australia's One Hundred and Fiftieth Anniversary Celebrations Council, as constituted immediately before the commencement of this Act.

Incorporation

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Incorporation of council.

3. (1) For the purposes of making arrangements for the celebrations and of otherwise carrying into effect the purposes of this Act there shall be a council, which shall be constituted as in this Act provided.

Council to be appointed.
cf. Viet. Act No. 4128 of 1933, s. 3.

(2) The council shall be a body corporate under the name of "Australia's One Hundred and Fiftieth Anniversary Celebrations Council" and shall have a common seal and be capable of suing and being sued in its corporate name and, subject to and for the purposes of this Act, of purchasing, taking, holding, selling, leasing, taking on lease, exchanging and disposing of real and personal property, and shall have all other rights, powers and privileges of a body corporate.

Council to be a body corporate.

(3) (a) Every action taken and every decision made by the Preliminary Council or by the executive committee of the Preliminary Council or by any other committee of the Preliminary Council before the commencement of this Act shall be deemed to have been adopted by the council constituted under this Act or by the executive committee constituted under this Act or by the committee constituted under this Act which corresponds with such other committee, as the case may be.

(b) Any moneys in the possession of, or standing to the credit of, the Preliminary Council immediately before the commencement of this Act shall be transferred to and be deemed to form part of the fund established under this Act.

(c) By virtue of this Act all rights, powers and privileges of the Preliminary Council or any member thereof under any contract or agreement entered into by the Preliminary Council or any member thereof as such before the commencement of this Act shall be transferred to and vest in the council constituted under this Act, and all liabilities and obligations of the Preliminary Council or any member thereof as such under any such contract or agreement shall devolve upon and be performed by the council constituted under this Act.

Objects

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Objects of council.

Objects.

- 4.** The objects of the council shall be—
- (a) to make arrangements for the celebrations;
 - (b) to disseminate information relating to the celebrations in Australia and elsewhere;
 - (c) to organise functions, entertainments, pageants and displays in connection with the celebrations;
 - (d) to administer the fund established under this Act, and to receive moneys and incur expenditures for the purposes of and in accordance with this Act;
 - (e) to obtain by means of subscriptions, donations and otherwise contributions to the fund;
 - (f) to confer and co-operate with the Government of the Commonwealth of Australia, the Government of New South Wales, the Government of any other State of the Commonwealth of Australia, any municipal council, shire council, county council, any public body and any person or body of persons corporate or unincorporate with respect to any matters conducive to the furtherance of the objects of the council; and
 - (g) to enter into such agreements and do all such other things as are incidental or in the opinion of the council are conducive to the attainment of the foregoing objects or any of them.

Constitution of the council.

**Members of
council.**

5. (1) The council shall consist of the Premier, the Lord Mayor of Sydney, the Minister for Transport, the Minister for Labour and Industry, and such members and associate members as may be appointed from time to time by the Governor by notification published in the Gazette.

(2) The Governor may by notification published in the Gazette appoint one of the members to be the executive member of the council.

(3)

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(3) (a) Any person who immediately before the commencement of this Act was a member or an associate member of the Preliminary Council shall be deemed to have been appointed under this section as a member of the council or an associate member of the council, as the case may be.

(b) The person who immediately before the commencement of this Act was the executive member of the Preliminary Council shall be deemed to have been appointed under this section as executive member of the council.

6. (1) The Premier shall be the chairman of the council, the Minister for Transport shall be deputy chairman of the council, and the Lord Mayor of Sydney shall be vice-chairman of the council. **Meetings.**

(2) The chairman shall preside at any meeting of the council.

In the absence of the chairman from any such meeting the deputy chairman shall preside, and in the absence of both the chairman and the deputy chairman from any meeting the vice-chairman shall preside.

(3) The council shall meet at least once in every period of three months.

(4) An associate member may be present at any meeting of the council to which he has been summoned.

(5) Any eleven members of the council shall constitute a quorum.

(6) Subject to this Act the council may regulate the procedure at any meeting of the council.

(7) Any member or associate member of the council may resign his office as such by writing under his hand, addressed and delivered or sent by post to the chairman.

The executive committee of council.

7. (1) There shall be an executive committee of the council consisting of the deputy chairman of the council, the Minister for the time being charged with the administration of this Act, and not more than fifteen other **Executive
committee.**
members

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members or associate members of the council, who shall be appointed from time to time by the Governor by notification published in the Gazette.

(2) At any meeting of the executive committee the deputy chairman of the council shall preside, and in his absence from any such meeting the Minister charged with the administration of this Act shall preside.

(3) Any person who immediately before the commencement of this Act was a member of the executive committee of the Preliminary Council shall be deemed to have been appointed under this section as a member of the executive committee of the council.

(4) At any meeting of the executive committee of the council eight members of such committee shall form a quorum.

(5) The executive committee of the council shall, subject to the control of the council, be charged with the general organisation and promotion of the celebrations, and for these purposes shall have and may exercise and discharge for and on behalf of the council all the powers, authorities, duties and functions of the council.

(6) The executive committee shall from time to time, as occasion may require, furnish a report of its activities to the council, and shall carry out any direction given by the council in relation to any matter.

(7) A minute book shall be kept and proper entries shall be made therein of all business transacted at any meeting of the executive committee of the council; copies of such minutes shall be made available to the executive member of the council as early as practicable after each such meeting.

Other committees.

Other committees.

S. (1) The Governor may from time to time by notification published in the Gazette—

- (a) constitute any committee which he may deem necessary for the purposes of this Act; and
- (b) specify either generally or particularly the powers, authorities, duties and functions to be exercised and discharged by any such committee.

(2)

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(2) The Governor may in and by such notification or from time to time by any subsequent notification published in the Gazette appoint such persons as he may think fit to be members of any such committee.

(3) Every committee constituted under this section shall in the exercise and discharge of the powers, authorities, duties and functions conferred and imposed upon it be subject to the control of the executive committee of the council and shall carry out any direction given by such executive committee either generally or in relation to any particular matter.

(4) Any committee constituted in relation to the Preliminary Council and in existence immediately before the commencement of this Act shall be deemed to have been constituted under this section and, subject to subsection three of this section, shall have and may exercise and discharge the powers, authorities, duties and functions conferred and imposed upon it immediately before such commencement; and any person who immediately before such commencement was a member of such committee shall be deemed to have been appointed as a member of that committee under this section.

Officers, etc.

9. (1) The council on the recommendation of the executive committee may—

Appoint-
ment of
officers, etc.

- (a) appoint or employ such officers and other persons as may be deemed necessary for the purposes of this Act;
- (b) fix the salaries, wages or remuneration of all such officers and persons so appointed or employed.

(2) Every officer of the Council entrusted with the control or custody of any money for or on behalf of the council shall give such security (if any) as the executive committee requires.

Security of
officers.

(3) The council may make use of the services of any officer employed by any other person or body or association of persons upon such terms and conditions as may be agreed upon between the council and the employer

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employer of such officer. Any person whose services are so used by the council shall be deemed to be an officer of the council for the purposes of this Act.

Finance.

Australia's
150th Anni-
versary
Celebrations
Fund.

10. (1) For the purposes of this Act there shall be established a fund to be called the Australia's One Hundred and Fiftieth Anniversary Celebrations Fund.

(2) There shall be paid into the fund all contributions made to the fund by the Government of the Commonwealth of Australia, the Government of New South Wales, the Government of any other State of the Commonwealth of Australia, the Municipal Council of Sydney, the Sydney County Council, or any other county, shire, or municipal council, or by any person or body of persons, whether corporate or unincorporate, and also the proceeds received by the council from any function, entertainment, pageant or display organised or approved by the council under this Act, and any moneys received by or on behalf of the council from any other source.

(3) There shall be paid out of the fund the salaries, wages and remuneration of the general organising secretary and other officers and employees of the council, and the expenses incurred in or in connection with any function, entertainment, pageant or display organised by the council, and such amounts as may be determined by the council pursuant to this Act to be contributed to any county, shire, or municipal council in respect of any function, entertainment, pageant or display promoted in connection with the celebrations by such county, shire or municipal council, and all costs and expenses incurred in carrying out the powers, authorities, duties and functions of the council under this Act.

*The Municipal Council of Sydney and certain other
councils.*

Councils of
areas may
expend
funds.

11. (1) Each of the following authorities, that is to say, the Municipal Council of Sydney, the Sydney County Council, each municipal, shire or county council is hereby

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hereby empowered to make available out of its funds for the purpose of promoting the success of the celebrations, such moneys as it thinks fit—

- (a) by way of contribution to the fund of Australia's One Hundred and Fiftieth Anniversary Council for expenditure by that council as part of the general fund available for purposes of this Act; and
- (b) by allocation for expenditure by the council making such moneys available on any function, entertainment, pageant or display promoted by it in connection with the celebrations with the approval of the council constituted under this Act.

(2) Where a municipal, shire, or county council, (not being the Municipal Council of Sydney or the Sydney County Council) promotes any function, entertainment, pageant or display in connection with the celebrations, the council constituted under this Act may, upon such terms and conditions as it thinks fit, make a contribution out of the fund towards the cost of such function, entertainment, pageant or display.

12. (1) The council shall cause to be kept proper books of account, and shall, at such times as the Minister may direct, prepare and transmit to the Minister for presentation to Parliament, statements of account in the form approved by the Auditor-General, exhibiting a true and correct view of the financial position and transactions of the council. Accounts
and audit.

(2) The accounts of the council shall be audited by the Auditor-General, who shall have, in respect thereof, all the powers conferred on the Auditor-General by any law now or hereafter to be in force relating to the audit of public accounts, and the Audit Act, 1902, and the Acts amending the same shall apply to the council and its officers in the same manner as it applies to accounting officers of public departments.

Printed matter—Offences.

13. (1) Any person who causes to be printed, published, exhibited or distributed any written or printed Printed
matter
relating to
celebrations.
matter

matter relating to any function, entertainment, pageant or display in which matter it is stated or suggested that such function, entertainment, pageant or display is organised or approved by the council or by the executive committee of the council or by any other committee of the council shall, unless such function, entertainment, pageant or display was, in fact, organised or approved as stated or suggested in such written or printed matter, be guilty of an offence and be liable upon summary conviction to a penalty of not more than one hundred pounds, and in case of a continuing offence to a further penalty of not more than five pounds for each day on which such offence is continued.

(2) Any person who prints or publishes or causes to be printed or published any book, pamphlet, leaflet or other printed matter which bears any statement, design or device which is reasonably capable of being understood to represent that such book, pamphlet, leaflet or printed matter was printed or published under the authority or with the concurrence of the council or of the executive committee of the council or of any other committee of the council shall, unless such printing or publishing, as the case may be, of such book, pamphlet or printed matter, was, in fact, authorised or concurred in, as represented thereon, be guilty of an offence and be liable upon summary conviction to a penalty of not more than one hundred pounds.

Dissolution
of council
and com-
mittees.

14. Where the Governor is satisfied that the purposes for which the council is constituted and incorporated under this Act have been carried out, and that all actions, suits, claims and demands by or against the council in its corporate character have been satisfied, he may, by proclamation published in the Gazette, dissolve the council; and upon such publication the council and each committee of the council constituted or appointed by or under this Act shall be dissolved and cease to exist, and all members and associate members of the council and all members of every such committee shall go out of office.

Regulations.

15. (1) The Governor may make regulations for or with respect to—

(a) the management and administration of the fund;

(b)

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- (b) meetings of the council and of the executive committee or any other committee and the business to be transacted thereat;
- (c) the procedure and conduct of the business of the council and of every such committee;
- (d) the keeping of regular books and accounts;
- (e) the custody and use of the corporate seal;
- (f) the powers and duties and the control, supervision and guidance and the regulation and discipline of all officers or persons appointed or employed by the council;
- (g) generally, all matters or things necessary or expedient for carrying into effect the purposes of this Act.

(2) The regulations shall—

- (a) be published in the Gazette;
- (b) take effect from the date of publication or from a later date to be specified in the regulations;
- (c) be laid before both Houses of Parliament within fourteen sitting days after such publication if Parliament is in session, and if not, then within fourteen sitting days after the commencement of the next session.

If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect.

MORATORIUM