



Victoria

No. 2 of 1988

Exhibition (Amendment) Act 1988

[Assented to 31 March 1988]

The Parliament of Victoria enacts as follows:

Purpose.

1. The purpose of this Act is to amend the *Exhibition Act 1957*—
 - (a) to enable the Exhibition Trustees to sponsor, promote and manage public functions of a cultural or educational nature and to establish and operate a historical museum and souvenir shop; and
 - (b) to provide for additional Trustees and to clarify the position of Trustees; and
 - (c) to update the accounting provisions of that Act.

No. 8120.
Amended by
Nos. 6811, 8172,
9283, 9597 and
10051.

Commencement.

2. This Act comes into operation on the 28th day after the day on which it receives the Royal Assent.

Number of Exhibition Trustees increased.

3. In section 4 (1) of the *Exhibition Act 1957*, for "seven" substitute "9".

Insertion of section 7B.

4. After section 7A of the *Exhibition Act 1957* insert—

Trustees not holders of an office under the Crown by reason of section 7A.

“7B. Despite anything in any other Act or law, a person is not the holder of an office or place of profit under the Crown or an employee in any manner of the public service of Victoria by reason only of receiving any payment under section 7A.”

Insertion of new accounting, report and audit provisions.

5. For section 10 of the *Exhibition Act 1957* substitute—

Accounts and records.

“10. (1) The Trust must ensure that there are kept proper accounts and records of the transactions and affairs of the Trust and such other records as sufficiently explain the financial operations and financial position of the Trust.

(2) The Trust must do all things necessary to do each of the following:

- (a) Ensure that all money payable to the Trust is properly collected;
- (b) Ensure that all money expended by the Trust is properly expended and properly authorized;
- (c) Ensure that adequate control is maintained over assets owned by, or in the custody of, the Trust;
- (d) Ensure that all liabilities incurred by the Trust are properly authorized;
- (e) Ensure efficiency and economy of operations and avoidance of waste and extravagance;
- (f) Develop and maintain an adequate budgeting and accounting system;
- (g) Develop and maintain an adequate internal audit system.”

Annual Report.

“10A. (1) The Trust must, in respect of each financial year, prepare an annual report containing—

- (a) a report of its operations during the financial year; and
- (b) financial statements for the financial year—

and submit the report to the Minister not later than 30 September next following the financial year.

(2) The report of operations referred to in sub-section (1) (a) shall—

- (a) be prepared in a form and contain information determined by the Trust to be appropriate; and
 - (b) contain any further information required by the Minister.
- (3) The financial statements referred to in sub-section (1) (b) shall—
 - (a) contain information determined by the Treasurer to be appropriate; and
 - (b) be prepared in a manner and form approved by the Treasurer; and
 - (c) present fairly the results of the financial transactions of the Trust during the financial year to which they relate and the financial position as at the end of that year; and
 - (d) be signed by the principal accounting officer (by whatever name called) of the Trust and by the Chairman and one other member of the Trust who shall—
 - (i) state whether, in their opinion, the financial statements present fairly the results of the financial transactions of the Trust during the financial year to which they relate and whether they sufficiently explain the financial position of the Trust as at the end of the financial year; and
 - (ii) state whether, at the date of signing the financial statements, they were aware of any circumstances that render any particulars included in the statements misleading or inaccurate and, if so, particulars of the circumstances; and
 - (e) be audited as required by section 10B (1).
- (4) The Minister must cause each annual report submitted to the Minister under this section to be laid before the Legislative Council and the Legislative Assembly before the expiration of the seventh sitting day of the Legislative Council or the Legislative Assembly, as the case may be, after the annual report has been received by the Minister.
- (5) If the Trust fails to submit an annual report to the Minister—
 - (a) if an extension has not been granted under sub-section (7)—by 30 September in any year; or
 - (b) if such an extension has been granted by—the date to which the extension was granted—the Minister must report or cause to be reported that failure and the reasons for the failure to each House of the Parliament.
- (6) The Trust may apply in writing to the Minister for an extension of the date by which an annual report is to be submitted to the Minister.
- (7) The Minister may in writing grant to the Trust an extension to such date as the Minister determines.

(8) The Minister must advise or cause to be advised each House of the Parliament of each extension granted under this section and the reasons for the extension.

(9) This section does not apply to the Trust if, as a result of an order made under the *Annual Reporting Act* 1983, the Trust is required to submit an annual report under that Act.”

Audit.

“10B. (1) The financial statements referred to in section 10A must be audited by the Auditor-General.

(2) The Auditor-General has, in respect of the audit of those financial statements, all the powers conferred on the Auditor-General by any law relating to the audit of the public accounts.

(3) Without limiting the generality of sub-section (2), the Auditor-General and each officer of the Auditor-General—

- (a) has right of access at all times to the books of the Trust; and
- (b) may require from an officer or employee of the Trust any information, assistance and explanations necessary for the performance of the duties of the Auditor-General in relation to the audit.

(4) The Trust must pay to the Consolidated Fund an amount to be determined by the Auditor-General to defray the costs and expenses of any audit by the Auditor-General under this section.”

Extension of the powers of the Trust.

6. In section 13 (2) of the *Exhibition Act* 1957—

- (a) after paragraph (i), omit “and”; and
- (b) after paragraph (j), insert—
 - “(k) the promotion of the use of the Exhibition in accordance with section 13 (1);
 - (l) the sponsorship, promotion or management (whether by the Trust or other persons) of public functions of a cultural or educational nature at the Exhibition;
 - (m) the establishment and operation of a public historical museum at the Exhibition; and
 - (n) the purchase, printing, publication and sale of books, souvenirs and other material.”

NOTES

1. *Minister's second reading speech—*

Legislative Assembly: 3 September 1987

Legislative Council: 22 March 1988

2. The long title for the Bill for this Act was "A Bill to amend the *Exhibition Act 1957*".