

South Australia



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ELIZABETHAE II REGINAE
A.D. 2000

**ADELAIDE FESTIVAL CENTRE TRUST (COMPOSITION OF TRUST)
AMENDMENT ACT 2000**

No. 71 of 2000

[Assented to 7 December 2000]

An Act to amend the Adelaide Festival Centre Trust Act 1971.

SUMMARY OF PROVISIONS

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The Parliament of South Australia enacts as follows:

Short title

1. (1) This Act may be cited as the *Adelaide Festival Centre Trust (Composition of Trust) Amendment Act 2000*.

(2) The *Adelaide Festival Centre Trust Act 1971* is referred to in this Act as "the principal Act".

Amendment of s. 4—Interpretation

2. Section 4 of the principal Act is amended—

- (a) by striking out from subsection (1) the definitions of "member of the Council" and "officer of the Council";
- (b) by striking out from the definition of "trustee" in subsection (1) "and includes the chairman of the trustees appointed under this Act".

Substitution of s. 6

3. Section 6 of the principal Act is repealed and the following section is substituted:

Composition of Trust

6. (1) The Trust consists of eight trustees appointed by the Governor, of whom—

- (a) seven will be nominated by the Minister; and
 - (b) one will be nominated by the Council from the members, officers or employees of the Council.
- (2) At least two trustees must be men and two must be women.
- (3) Of the seven trustees nominated by the Minister, one will be appointed by the Governor to chair meetings of the Trust.
- (4) If the Council fails to nominate a person within six weeks of a written request to do so from the Minister, the Governor may appoint a person nominated by the Minister and that person will be taken to have been duly appointed as a trustee.
- (5) A trustee will be appointed for a term, not exceeding three years, specified in the instrument of appointment and will, at the expiration of a term of appointment, be eligible for reappointment.
- (6) The Governor may appoint a suitable person to be the deputy of a trustee and the deputy may perform or exercise the functions and powers of the trustee in his or her absence.

Substitution of s. 10

4. Section 10 of the principal Act is repealed and the following section is substituted:

Common seal

10. The common seal of the Trust must not be affixed to an instrument except in pursuance of a resolution of the Trust, and the affixing of the seal must be attested by the signature of two trustees.

Substitution of s. 13

5. Section 13 of the principal Act is repealed and the following section is substituted:

Trust proceedings

13. (1) Four trustees constitute a quorum at a meeting of the Trust.

(2) The trustee appointed to chair meetings of the Trust will preside at each meeting of the Trust at which he or she is present.

(3) In the absence of the trustee appointed to chair meetings of the Trust, a trustee chosen by the trustees present at the meeting will preside.

(4) A decision carried by a majority of the votes cast by trustees at a meeting is a decision of the Trust.

(5) Each trustee present at a meeting of the Trust has one vote on any question arising for decision and, if the votes are equal, the trustee presiding at the meeting may exercise a casting vote.

(6) A conference by telephone or other electronic means between trustees will, for the purposes of this section, be taken to be a meeting of the Trust at which the participating trustees are present if—

(a) notice of the conference is given to all trustees in the manner determined by the Trust for the purpose; and

(b) each participating trustee is capable of communicating with every other participating trustee during the conference.

(7) A proposed resolution of the Trust becomes a valid decision of the Trust despite the fact that it is not voted on at a meeting of the Trust if—

(a) notice of the proposed resolution is given to all trustees in accordance with procedures determined by the Trust; and

(b) a majority of the trustees expresses concurrence in the proposed resolution by letter or by facsimile transmission or other electronically transmitted written communication setting out the terms of the resolution.

(8) The Trust must have accurate minutes kept of its proceedings.

(9) Subject to this Act, the Trust may determine its own procedures.

Transitional provision

6. A trustee holding office immediately before the commencement of section 3 of this Act will continue to hold office in accordance with the terms of the instrument of the trustee's appointment.