



ANNO VICESIMO QUINTO

ELIZABETHAE II REGINAE

A.D. 1976

No. 109 of 1976

An Act to provide for the establishment of Regional Cultural Centres; to provide for their operation and management and for other purposes.

[Assented to 16th December, 1976]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. This Act may be cited as the "Regional Cultural Centres Act, 1976". Short title.

2. This Act shall come into operation on a day to be fixed by proclamation. Commencement.

3. In this Act, unless the contrary intention appears— Definitions.
 - "area" means the municipality or district of a Council:
 - "Centre" means a Regional Cultural Centre in relation to which a place has been designated under section 4 of this Act:
 - "Council" means a council as defined in the Local Government Act, 1934-1976:
 - "Trust" means a Trust established under section 5 of this Act:
 - "trustee" in relation to a Trust, includes the trustee for the time being appointed chairman of trustees.

4. (1) The Governor may, by proclamation, designate a place within the State in relation to which a Regional Cultural Centre may be established. Establishment of Regional Cultural Centres.
 - (2) In the proclamation referred to in subsection (1) of this section the Governor shall assign a name to the Centre which shall consist of "The Regional Cultural Centre", the blank being filled in with the distinctive name of the Centre.

Establishment
of Trust in
relation to
Centre within
area of
Council.

5. (1) The Governor shall, in relation to a proposed Centre, establish a Trust which shall, subject to section 6 of this Act, be constituted of six trustees appointed by the Governor of whom not less than three shall be local residents of whom two shall be appointed on the nomination of the Councils within the area of which the Centre is proposed to be established.

(2) Of the trustees appointed under subsection (1) of this section, the Governor shall appoint one to be chairman of the trustees.

(3) Subject to this Act, a trustee shall hold office for such term, not exceeding three years, as is specified in the instrument of his appointment and shall be eligible for re-appointment.

(4) The Governor shall remove a trustee, appointed on the nomination of the Council, from office if the Council by instrument in writing addressed to the Governor revokes the nomination of that member.

(5) The Governor may remove a trustee from office on the ground of—

- (a) mental or physical incapacity;
- (b) dishonourable conduct;
- or
- (c) neglect of duty.

(6) The office of a trustee shall become vacant if—

- (a) he dies;
- (b) his term of office expires;
- (c) he resigns by notice in writing addressed to the Minister;
- or
- (d) he is removed from office by the Governor pursuant to subsection (4) or (5) of this section.

(7) In this section—

“local resident” in relation to a Trust means a person who, in the opinion of the Minister, has his usual place of residence within the community that will be served by the Centre in relation to which that Trust is established.

Application of
s. 5 to place
outside Council
areas.

6. In the application of subsection (1) of section 5 of this Act, in a case where a Centre has been proposed for establishment outside the area of any Council, two of the trustees shall be appointed on the nomination of the Minister as being persons who, in the opinion of the Minister, can represent the interests of the community that will be served by the Centre.

Incorporation
of the Trust.

7. (1) Each Trust—

- (a) shall be a body corporate under the name “The Regional Cultural Centre Trust” (the blank being filled in with the distinctive name of the Centre in relation to which the Trust was established) with perpetual succession and a common seal;
- (b) subject to this Act, shall be capable of acquiring, taking or letting out on lease, holding, selling or otherwise disposing of real and personal property;
- (c) may in its corporate name and capacity sue and be sued;
- and
- (d) shall have the powers, duties, functions and authorities conferred, imposed or prescribed by or under this Act.

(2) Where a document purporting to bear the common seal of the Trust is produced before any court or person acting judicially, that court or person shall, unless the contrary is proved, presume—

(a) that the document purporting to bear the common seal of the Trust bears the common seal of the Trust;

and

(b) that the common seal was duly affixed.

8. (1) Subject to this Act, each Trust may—

Powers, etc.,
of a Trust.

(a) establish, maintain, develop, manage and control the Centre in relation to which it is established as a centre for the performing arts, visual arts and crafts;

and

(b) do anything necessary for or incidental to the foregoing purposes.

(2) In the exercise of its powers each Trust shall, except where it makes or is required to make a report to the Minister, be subject to the general control and direction of the Minister.

(3) Nothing in this section contained shall be deemed to prevent the Trust from providing accommodation within a Centre for any library or resource centre established or subsidized under a law of the State.

9. (1) The chairman of the trustees shall preside at any meeting of the Trust at which he is present.

Meetings, etc.,
of Trust.

(2) If the chairman is not present at a meeting of the Trust, the trustees of the Trust present may elect one of their number to preside at that meeting.

(3) At any meeting of the Trust, four trustees shall constitute a quorum and no business shall be transacted unless a quorum is present.

(4) Any decision of the Trust must be supported by the majority of votes cast at the meeting.

(5) In the event of equality of votes upon any matter the chairman, or trustee presiding, shall have a second or casting vote.

(6) The common seal of the Trust shall not be affixed to any document except in pursuance of a resolution of the Trust.

(7) Any instrument executed in pursuance of such a resolution shall be attested by the signature of two trustees.

(8) The procedure for the calling of meetings of the Trust and for the conduct of business at such meetings shall, subject to this Act, be as determined by the Trust.

10. A trustee shall, if the Governor thinks fit, be paid out of the funds of the Trust such fees or other remuneration as from time to time are fixed by the Governor and shall be entitled to receive such travelling and other expenses at such rates as are from time to time approved by the Minister.

Remuneration
of trustees.

Validity, etc.,
of acts of
Trust.

11. No purported act, proceeding or determination of the Trust shall be invalid on the ground only of any vacancy in the office of any trustee or any defect in the appointment of any trustee and notwithstanding any Act or law to the contrary any such purported act, proceeding or determination shall be as valid and effectual as it would have been had that vacancy or defect not existed.

Employment.

12. For the purposes of this Act, each Trust may employ such employees as it thinks necessary.

Power to
borrow money.

13. (1) The Trust may, with the consent of the Treasurer, borrow money at interest from any person upon such security (if any) by way of mortgage or charge over any of the assets of the Trust as the Trust may think fit to grant.

(2) The Treasurer may upon such terms and conditions as he thinks fit guarantee the repayment of any moneys (together with interest thereon) borrowed by the Trust under this section.

(3) Any moneys required to be paid in satisfaction of a guarantee given pursuant to subsection (2) of this section shall be paid out of the General Revenue of the State which is hereby to the necessary extent appropriated accordingly.

Gifts, etc.

14. (1) Each Trust may accept—

(a) grants, conveyances, transfers and leases of land whether from the Crown or any instrumentality thereof or any other person;

(b) rights to the use, control, management or occupation of 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 Duties Act, 1923-1976, no stamp duty shall be payable on any instrument by which land or an interest in a right over land is granted or assured to or vested in the Trust or on any contract or instrument vested in the Trust for the purposes of disposing of any property.

(3) Notwithstanding anything contained in the Succession Duties Act, 1929-1976, no succession duty shall be payable in respect of any property or interest passing to a Trust on or by reason of the death of any person, and any such property shall not be liable to succession duty under that Act.

(4) Notwithstanding anything in the Gift Duties Act, 1968-1976, no gift duty under that Act shall be payable in respect of the gift of any real or personal property under that Act.

Dissolution of
Trust.

15. The Governor may by proclamation—

(a) dissolve a Trust with effect from a date or at the expiration of a period specified in the proclamation;

and

(b) make such provisions as are necessary or expedient for the winding up of the affairs of the Trust and the disposition of the real and personal property of the Trust and any such provisions shall have effect according to their tenor.

16. Proceedings for offences against this Act shall be disposed of summarily. Summary proceedings.

17. (1) The Governor may make such regulations as are necessary or expedient for giving effect to the provisions and objects of this Act. Regulations.

(2) Without limiting the generality of subsection (1) of this section, the regulations may—

(a) prescribe the powers, duties, functions or authorities conferred or imposed on Trusts;

(b) provide for and prescribe any matter or thing relating to—

(i) the keeping of financial accounts by Trusts;

and

(ii) the making of periodic reports by Trusts;

and

(c) provide for and prescribe penalties not exceeding two hundred dollars for a breach of or contravention of any regulation.

(3) Any regulation made under this section may be expressed to apply and shall apply to Trusts generally, a particular Trust or Trusts of a class of Trust.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

D. NICHOLLS, Governor