



ANNO TRICESIMO TERTIO

ELIZABETHAE II REGINAE

A.D. 1984

No. 8 of 1984

An Act to amend the Regional Cultural Centres Act, 1976.

[Assented to 19 April 1984]

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

1. (1) This Act may be cited as the "Regional Cultural Centres Act Amendment Act, 1984". Short title.

(2) The Regional Cultural Centres Act, 1976, is in this Act referred to as "the principal Act".

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

3. The long title to the principal Act is amended by striking out the passage "Regional Cultural Centres" and substituting the passage "Cultural Trusts". Amendment of long title.

4. Section 1 of the principal Act is amended by striking out the passage "Regional Cultural Centres" and substituting the passage "Cultural Trusts". Amendment of s. 1—
Short title.

5. Section 3 of the principal Act is amended—

(a) by striking out the definition of "Centre";

(b) by inserting after the definition of "Council" the following definition:

"local resident", in relation to a Trust, means a person whose principal place of residence is situated in a part of the State in relation to which the Trust is established; ;

and

(c) by striking out the definition of "Trust" and substituting the following definition:

"Trust" means a Trust established under this Act: .

Amendment of
s. 3—
Interpretation.

6. The following section is inserted after section 3 of the principal Act: Insertion of new
s. 3a.

Transitional provision relating to the Regional Cultural Centres Act Amendment Act, 1984.

3a. (1) Notwithstanding the provisions of the amending Act—

- (a) the South East Regional Cultural Centre Trust shall continue in existence under the name "South East Cultural Trust";
- (b) the Northern Regional Cultural Centre Trust shall continue in existence under the name "Northern Cultural Trust";
- (c) the Riverland Regional Cultural Centre Trust shall continue in existence under the name "Riverland Cultural Trust";
- (d) the Eyre Peninsula Regional Cultural Centre Trust shall continue in existence under the name "Eyre Peninsula Cultural Trust",

and each of those Trusts shall be deemed to have been established under this Act as amended by the amending Act as if this Act as so amended had been in force at the time of the establishment of each Trust.

(2) In this section, "the amending Act" means the Regional Cultural Centres Act Amendment Act, 1984.

Repeal of ss. 4, 5, 6 and 7 and substitution of new sections.

7. Sections 4, 5, 6 and 7 of the principal Act are repealed and the following sections are substituted:

Establishment of Cultural Trusts.

4. (1) The Governor may, by proclamation, establish a Trust in relation to a part of the State defined in the proclamation.

(2) Each Trust established under subsection (1) shall have a name assigned by the proclamation under which the Trust is established.

(3) The Governor may, by subsequent proclamation, vary or revoke a proclamation under this section.

Corporate capacity of Trusts.

5. (1) A Trust—

(a) is a body corporate with perpetual succession and a common seal;

(b) may sue and be sued in its corporate name;

and

(c) is capable of acquiring, holding, dealing with and disposing of real and personal property.

(2) Where a document appears to bear the common seal of a Trust, it shall be presumed, in the absence of proof to the contrary, that the document has been duly executed by the Trust.

Membership of Trust.

6. (1) A Trust shall consist of eight trustees appointed by the Governor.

(2) At least six of the Trustees must be local residents and where the part of the State in relation to which a Trust is established includes the area or areas of one or more councils, at least two of those local residents must be persons nominated for membership of the Trust by the council or councils.

(3) One of the trustees shall be appointed by the Governor to be the Chairman of the Trust.

(4) 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 reappointment.

(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) the trustee dies;
- (b) the trustee's term of office expires;
- (c) the trustee resigns by notice in writing addressed to the Minister;
- (d) the trustee was appointed on the nomination of a council or councils and the council or councils, by notice in writing to the Minister, revoke the nomination;

or

- (e) the trustee is removed from office by the Governor pursuant to subsection (5).

8. Section 8 of the principal Act is amended—

- (a) by striking out subsection (1) and substituting the following subsection:

Amendment of
s. 8—
Powers, etc., of a
Trust.

(1) Subject to this Act, a Trust may—

- (a) provide, manage and control premises and facilities for the arts;
- (b) encourage the development and appreciation of the arts within the community served by the Trust;
- and
- (c) exercise any other functions that are incidental or ancillary to the foregoing.

and

- (b) by striking out from subsection (3) the passage “within a Centre”.

9. Section 14 of the principal Act is amended by striking out subsection (4).

Amendment of
s. 14—
Gifts, etc.

10. The following sections are inserted after section 14 of the principal Act:

Insertion of new
ss. 14a, 14b and
14c.

14a. (1) Each Trust shall before the commencement of a financial year present to the Minister a budget showing estimates of its receipts and payments for that financial year.

Budget.

(2) The Minister may approve any budget presented to him pursuant to subsection (1) with or without amendment.

(3) A Trust shall not, without the consent of the Minister, make any expenditure that is not authorized by a budget approved under this section.

Accounts.

14b. (1) Each Trust shall cause proper accounts to be kept of its financial affairs.

(2) The Auditor-General may at any time, and shall at least once in each year, audit the accounts of a Trust, and shall have and may exercise in respect of the moneys and accounts of the Trust and the members, officers and employees of the Trust the powers that are vested in the Auditor-General by the Audit Act, 1921, in respect of public accounts and accounting officers.

Report.

14c. (1) Each Trust shall, on or before the thirtieth day of September in each year, deliver to the Minister a report in writing upon its activities during the period of twelve months ending on the preceding thirtieth day of June.

(2) The report must incorporate the audited accounts of the Trust for the period to which the report relates.

(3) The Minister shall cause a copy of the report to be laid before each House of Parliament.

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

D. B. DUNSTAN, Governor