

Version No. 030
Victorian Arts Centre Act 1979

Act No. 9354/1979

Version incorporating amendments as at 1 July 2000

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An Act to constitute the Victorian Arts Centre Trust, to make provision with respect to the Management and Operation of the Victorian Arts Centre and for the Use and Promotion of the Theatre Complex in the Centre and for other purposes.

BE IT ENACTED by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say):

Pt 1 (Heading)
inserted by
No. 34/2000
s. 3(a).

PART 1—PRELIMINARY

1. *Short title and commencement*

- (1) This Act may be cited as the **Victorian Arts Centre Act 1979**.
- (2) This Act shall come into operation on a day to be fixed by proclamation of the Governor in Council published in the Government Gazette.

2. *Transitional provisions*

On the day upon which this Act comes into operation—

- (a) the Victorian Arts Centre Building Committee shall go out of office;
- (b) the Trust shall become and be the successor in law of the Victorian Arts Centre Building Committee;

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- (c) the Trust shall have all the rights powers and duties conferred or imposed upon the Victorian Arts Centre Building Committee and shall be subject to all the liabilities responsibilities and obligations imposed upon or conferred by the said Committee before that day;
 - (d) all property vested in the Victorian Arts Centre Building Committee shall be vested in the Trust;
 - (e) every donation gift disposition and trust of property including money lawfully made or declared or deemed to have been made or declared whether before or after the commencement of this Act by deed will or otherwise to or in favour of the Victorian Arts Centre Building Committee or for the use or purposes thereof shall take effect as if the same had in respect of each particular item of property comprised in such donation gift disposition or trust been made or declared to or in favour of or for the use or purposes of the Trust;
 - (f) any reference to the Victorian Arts Centre Building Committee in any other Act or any proclamation Order in Council regulation by-law order legal or other proceeding instrument or document shall be deemed and taken to refer to the Trust;
 - (g) all acts matters and things of a continuing nature made done or commenced by or on behalf of the Victorian Arts Centre Building Committee before that day which are of any force or effect or capable of acquiring any force or effect shall be deemed or taken to be made done or commenced by or in relation to or on behalf of the Trust and shall have
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effect and may be continued and completed by or on behalf of or in relation to the Trust accordingly;

S. 2(h) amended by No. 5/1998 s. 3(Sch. item 3).

- (h) any amounts standing to the credit of the Victorian Arts Centre Building Committee Trust Fund shall be transferred to an account to be called the Victorian Arts Centre Trust Account.

S. 2(i) repealed by No. 4/1995 s. 6(1).

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3. Definitions

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

S. 3 def. of "Centre" substituted by No. 34/2000 s. 4(a).

"Centre" means—

- (a) the land shown as Parcel A on the plan numbered LEGL./00-04 lodged in the Central Plan Office in the Department of Natural Resources and Environment; and
- (b) the land contained in Crown grant Volume 9205 Folio 760; and
- (c) the buildings and improvements erected on that land;

S. 3 def. of "Chairman" inserted by No. 29/1994 s. 16, repealed by No. 34/2000 s. 4(c).

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S. 3 def. of "National Gallery trustees" repealed by No. 34/2000 s. 4(c).

"performing arts material" means any object having a connection with or containing information about the performing arts of music, opera, dance, theatre and circus and includes costumes and accessories, musical instruments, personal effects, stage properties, puppets, set and costume designs, set models, technical equipment, film, video, photographs, posters, programs, scrapbooks, sheet music and sound recordings;

S. 3 def. of "performing arts material" inserted by No. 34/2000 s. 4(b).

"the Trust" means the Victorian Arts Centre Trust constituted by this Act;

"Treasurer" means the Treasurer of Victoria;

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S. 3 def. of "trustee" repealed by No. 34/2000 s. 4(c).

3A. State collection

The State collection comprises—

- (a) all performing arts material in the public performing arts museum vested in the Trust and accepted for the State collection by the Trust; and
- (b) all performing arts material acquired and accepted for the State collection by the Trust; and
- (c) all donations, gifts, dispositions and trusts of property, real or personal, other than money, lawfully made or declared whether before or

S. 3A inserted by No. 34/2000 s. 5.

s. 3A

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after the commencement of the **Arts
Legislation (Amendment) Act 2000** by
deed, will or otherwise to or in favour of the
Trust or for the uses or purposes of the Trust
and accepted for the State collection by the
Trust.

PART 2—VICTORIAN ARTS CENTRE TRUST

Pt 2 (Heading)
inserted by
No. 34/2000
s. 3(b).

4. *Victorian Arts Centre Trust*

- (1) There shall be established a body corporate by the name of the Victorian Arts Centre Trust which shall have perpetual succession and a common seal and shall be capable in law of suing and of being sued and of taking purchasing holding demising selling transferring conveying mortgaging or otherwise disposing of real and personal property for the purposes of and subject to this Act and of being and suffering all acts matters and things which bodies corporate may by law do and suffer.
- (2) Subject to the general direction and control of the Minister the Trust shall be responsible for the management of the Centre.

5. *Functions of the Trust*

- (1) The functions of the Trust are—
 - (a) to control, manage, operate, promote, develop and maintain the Centre; and
 - (b) to present and produce theatrical performances, operas, plays, dramas, ballets and musical and other performances and entertainment of any kind at any place; and
 - (c) to promote the use of the theatres, concert hall and other places of assembly by suitable persons and bodies; and
 - (d) to provide leadership in the promotion and development of the performing arts; and

S. 5
amended by
Nos 29/1994
s. 17(a)(b),
4/1995 s. 4,
substituted by
No. 34/2000
s. 6.

- (e) to ensure the maintenance, conservation, development and promotion of the State collection of performing arts material; and
 - (f) to oversee the exhibition of performing arts material from the State collection and make any performing arts material from the State collection available on loan to persons or institutions; and
 - (g) to carry on, whether within or outside Victoria, whether alone or in association with any other person or persons and whether or not in relation to the Centre, a business of providing ticketing, inventory management of admissions, marketing and related services; and
 - (h) to perform any other functions appropriate to the Centre as the Minister may approve; and
 - (i) to carry out any other function conferred on the Trust under this Act.
- (2) In carrying out its functions, the Trust must endeavour to contribute to the enrichment of the cultural, educational, social and economic life of the people of Victoria.

6. Powers of Trust

- (1) The Trust has power to do all things necessary or convenient to be done for or in connexion with the performance of its functions.
 - (2) Without limiting the generality of sub-section (1) the powers of the Trust include power—
 - (a) to purchase or take or hire or to accept on deposit or loan any personal property for use in or in connexion with the Centre;
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| (b) subject to Part 3, to grant leases of or licences to use any part of the Centre; | S. 6(2)(b) substituted by No. 34/2000 s. 7(1)(a). |
| (ba) to grant leases of or licences to use any other land of the Trust; | S. 6(2)(ba) inserted by No. 34/2000 s. 7(1)(a). |
| (c) to carry on in the Centre or to enter into contracts or arrangements with any person to carry on any business which in the opinion of the Trust will improve the facilities and amenities of the Centre. | |
| (ca) to be a member of a body corporate, association, partnership, trust or other body; | S. 6(2)(ca) inserted by No. 77/1988 s. 3, substituted by No. 4/1995 s. 5, amended by No. 34/2000 s. 7(1)(b). |
| (cb) to form, or participate in the formation of, a body corporate, association, partnership, trust or other body; | S. 6(2)(cb) inserted by No. 4/1995 s. 5, amended by No. 34/2000 s. 7(1)(b). |
| (cc) to enter into a joint venture with another person or other persons; | S. 6(2)(cc) inserted by No. 4/1995 s. 5, amended by No. 34/2000 s. 7(1)(b). |
| (cd) to do all things necessary or convenient to be done for, or in connection with, a joint venture in the performance of the functions of the Trust; | S. 6(2)(cd) inserted by No. 4/1995 s. 5. |
| (d) to acquire and install any equipment or apparatus which in the opinion of the Trust improves the facilities of the Centre; | |
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S. 6(2)(e)
amended by
Nos 97/1987
s. 181(17),
34/2000
s. 7(1)(c).

- (e) to apply for and hold any licence or permit under the **Liquor Control Reform Act 1998** or any other Act;
- (f) to register, purchase or apply for or otherwise acquire either wholly or in part any invention, copyright, trade-mark or other mark or design, patent, patent rights and privileges, licences, concessions or other like rights which in the opinion of the Trust will be of assistance to the Trust in carrying out its functions and to sell, dispose of, use, exercise and develop such rights or inventions or to grant licences or privileges in respect thereof;

S. 6(2)(g)
substituted by
No. 34/2000
s. 7(1)(d).

- (g) to enter into any contracts, agreements or arrangements with—
 - (i) the Council of Trustees of the National Gallery of Victoria constituted under the **National Gallery of Victoria Act 1966**; or
 - (ii) any other person or body, whether corporate or unincorporate—for the purpose of carrying out its functions under this Act, including the provision of services by the Trust or the hire of any plant or equipment of the Trust;
- (h) to install, use, work and maintain film cameras and projectors and broadcasting and television apparatus, and to grant the right of installing, using, working and maintaining the same within the areas under its control upon such terms and conditions and subject to the payment of such charges as may be determined by the Trust;

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- (i) to print or reproduce in any manner or form and to publish or to arrange for the printing or reproduction or publishing of plays, music, programmes, posters and advertisements and such other material as the Trust may deem expedient and to acquire the copyright therein;
 - (j) to commission plays, compositions, musicals, ballets, operas or other works;
 - (k) to purchase and operate or let on hire theatre, cinema or other equipment;
 - (l) to establish and operate a public performing arts museum;
 - (m) to take on lease any land which in the opinion of the Trust is required to facilitate the carrying out of its functions under this Act;
 - (n) to accept appointment as a committee of management of Crown lands;
 - (o) to solicit and accept and to hold and administer gifts, bequests or devises of money, securities or other property of whatsoever character for the purposes of carrying out its functions, and with the approval of the Treasurer to sell or exchange or invest or re-invest such moneys, securities or other property in such investments as the Treasurer may from time to time determine; and
 - (p) to do all things necessary or convenient to be done in connexion with, or as incidental to, the performance of its objects.

S. 6(2)(l)
amended by
No. 34/2000
s. 7(1)(e).

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S. 6(3)
repealed by
No. 34/2000
s. 7(2).

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7. *Borrowing powers of the Trust*

- (1) The Trust may with the approval of the Treasurer and subject to such terms, conditions and limits as the Treasurer imposes—
 - (a) borrow moneys from any bank by way of overdraft; and
 - (b) obtain temporary financial accommodation secured or arranged in such manner and for such period as the Treasurer in each particular case approves.
- (2) The Trust may borrow money from any institution person or body approved by the Treasurer on such terms and conditions as are approved by the Treasurer from time to time and give to any such institution person or body security for money so borrowed in such form as the Treasurer approves in each particular case.
- (3) The Treasurer with the approval of the Governor in Council may execute in favour of any institution person or body lending money to the Trust a guarantee for the repayment thereof and may in addition guarantee the payment of any interest charges and expenses chargeable by the creditor against the Trust and the expenses of enforcing or obtaining or endeavouring to enforce or obtain payment of the debt guaranteed and those interest charges and expenses.
- (3A) Where the Trust obtains temporary financial accommodation under this section without a guarantee being executed under sub-section (3) in

S. 7(3A)
inserted by
No. 9741 s. 2.

favour of the institution person or body lending the money the due repayment or satisfaction of the moneys borrowed and the due payment of any interest or other charges payable thereon is hereby guaranteed by the Government of Victoria.

- (4) Any sums required by the Treasurer of Victoria in fulfilling any guarantee given by this Act shall be paid out of the Consolidated Fund (which is hereby to the necessary extent appropriated accordingly) and any sums received or recovered by the said Treasurer from the Trust or otherwise in respect of any sums so paid by the Treasurer shall be paid into the Consolidated Fund.
- (5) Before a guarantee is given by the Treasurer under this section the Trust shall give to the Treasurer such securities as the Treasurer requires and shall execute all such instruments as are necessary for that purpose.
- (6) The Trust shall apply and use all moneys borrowed under the power conferred by this section for the purposes of carrying this Act into effect.

8. Composition of Trust

- (1) The Trust shall consist of nine members appointed by the Governor in Council, of whom—

- (a) one shall be a person representing the interests of the arts training industry;

S. 8(1)(a) substituted by No. 29/1994 s. 18(1)(a).

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S. 8(1)(b) repealed by No. 29/1994 s. 18(1)(a).

- (c) one shall be a person resident more than 40 kilometres from the Melbourne General Post Office who is actively associated with the

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	promotion of the arts outside the metropolitan area; and
S. 8(1)(d) amended by No. 29/1994 s. 18(1)(b).	(d) 7 shall be appointed to represent the interests of the public generally in the carrying out of the functions of the Trust.
S. 8(2) substituted by No. 9600 s. 3(1), amended by Nos 29/1994 s. 18(2), 34/2000 s. 8(1).	(2) Subject to this Act, a member of the Trust shall hold office for such term (not exceeding three years) as is specified in the instrument by which he or she is appointed and shall, subject to subsections (2A) and (3), be eligible for re-appointment.
S. 8(2A) inserted by No. 29/1994 s. 18(3).	(2A) A person who has been a member of the Trust for 9 consecutive years ceases to hold office and is not eligible for re-appointment unless—
S. 8(2A)(a) amended by No. 34/2000 s. 8(2).	(a) the person is, or immediately before the expiry of the ninth consecutive year the person was, the President; or
	(b) a period of 3 years or more has elapsed since the person last was a member of the Trust.
S. 8(3) repealed by No. 42/1995 s. 224(Sch. 2 item 44).	* * * * *
S. 8(4) repealed by No. 34/2000 s. 8(3).	* * * * *

9. *Vacancies*

- (1) The office of any member of the Trust shall become vacant—
- (a) at the expiration of his or her term of office;
- S. 9(1)(a) amended by No. 34/2000 s. 9(1)(a).

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| (b) if the member dies; | S. 9(1)(b)
amended by
No. 34/2000
s. 9(1)(b). |
| (c) if he or she is incapable of continuing as a member; | S. 9(1)(c)
amended by
No. 34/2000
s. 9(1)(c). |
| (d) if the member becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her estate for the benefit of his or her creditors; | S. 9(1)(d)
amended by
No. 34/2000
s. 9(1)(d)(i)(ii). |
| (e) if the member resigns by writing under his or her hand addressed to the Governor in Council; | S. 9(1)(e)
amended by
No. 34/2000
s. 9(1)(e)(i)(ii). |
| (f) if without leave granted by the President the member fails to attend four successive meetings of the Trust; | S. 9(1)(f)
amended by
No. 34/2000
s. 9(1)(f)(i)(ii). |
| (g) if the member is removed from office by the Governor in Council. | S. 9(1)(g)
amended by
No. 34/2000
s. 9(1)(g). |
| (2) Where any leave granted to a member by the President exceeds three consecutive meetings the Trust shall notify the Minister of the granting of the leave. | S. 9(2)
amended by
No. 34/2000
s. 9(2). |
| * * * * * | S. 9(3)(4)
repealed by
No. 29/1994
s. 19. |

10. *President*

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| (1) When appointing the members of the Trust the Governor in Council shall appoint one of the members to be the President of the Trust and may fill any vacancy in the office of President. | S. 10(1)
amended by
No. 34/2000
s. 10(1). |
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S. 10(2)
amended by
No. 34/2000
s. 10(2)(a)(b).

(2) The President shall hold office as such for the term of his or her appointment as a member and shall be eligible for re-appointment as President.

S. 10(3)
amended by
No. 34/2000
s. 10(3)(a)(b).

(3) If the member of the Trust holding the office of President ceases to be a member of the Trust he or she shall cease also to be President of the Trust.

S. 10(4)
repealed by
No. 34/2000
s. 10(4).

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S. 10(5)
amended by
No. 34/2000
s. 10(5)(a)-(c).

(5) The President shall preside at all meetings of the Trust at which he or she is present.

S. 10(6)
substituted by
No. 34/2000
s. 10(6).

(6) In the absence of the President, a member of the Trust who is chosen by the members present to be chairperson of the meeting shall preside.

S. 10(7)
amended by
No. 34/2000
s. 10(7).

(7) In the case of an equality of votes at any meeting of the Trust the person presiding at the meeting shall have a second or casting vote.

(8) Subject to this Act and the regulations the Trust may regulate its own procedure.

11. Quorum

A quorum of the Trust shall consist of a majority in number of the members of the Trust for the time being and at any meeting of the Trust at which a quorum is present the members present shall have full power to act.

S. 11A
inserted by
No. 34/2000
s. 11.

11A. Resolutions without meetings

(1) If—

(a) the Trust has taken reasonable steps to give notice to each member setting out the terms of a proposed resolution; and

(b) a majority of the members for the time being sign and date a document containing a statement that they are in favour of the resolution in the terms set out in the document—

a resolution in those terms is deemed to have been passed at a meeting of the Trust held on the day on which the document is signed or, if the members referred to in paragraph (b) do not sign it on the same day, on the day on which the last of those members signs the document.

- (2) For the purposes of sub-section (1), 2 or more separate documents containing a statement in identical terms, each of which is signed and dated by one or more members, are deemed to constitute one document.
- (3) If a resolution is, under sub-section (1), deemed to have been passed at a meeting of the Trust, each member must as soon as practicable be advised of the matter and given a copy of the resolution.
- (4) The majority of members referred to in sub-section (1)(b) must not include a member who, because of section 11B, is not entitled to vote on the resolution.

11B. *Conflicts of interest*

- (1) If—
 - (a) a member has a direct or indirect pecuniary interest in a matter being considered or about to be considered by the Trust; and
 - (b) the interest could conflict with the proper performance of the member's duties in relation to the consideration of the matter—

the member, as soon as practicable after becoming aware of the relevant facts, must declare the nature of the interest to the Trust or, in the case of

S. 11B
inserted by
No. 34/2000
s. 11.

a proposed resolution notice of which is given under section 11A(1)(a), to the President.

- (2) The Trust or the President must cause the declaration to be tabled at the next meeting of the Trust and the person presiding at that meeting must cause the declaration to be recorded in the minutes of the meeting.
- (3) A member who has a conflict of interest in a matter—
 - (a) must not be present during any deliberations on the matter, unless the Trust directs otherwise; and
 - (b) is not entitled to vote on the matter.
- (4) If a member votes on a matter in contravention of sub-section (3)(b), the vote must be disallowed.
- (5) A member who has a conflict of interest in a matter must not be present during any deliberations leading to a direction, or take part in making a direction, under sub-section (3)(a).

S. 12
amended by
Nos 29/1994
s. 20, 34/2000
s. 12.

12. *Travelling expenses*

Each member of the Trust shall be entitled to receive such travelling expenses and fees that are fixed for that member from time to time by the Governor in Council.

S. 12A
inserted by
No. 29/1994
s. 21.

12A. *Membership of Trust not office of profit*

A member of the Trust shall not be taken by reason of being a member to hold an office or place of profit under the Crown which would—

- (a) prevent the member sitting or voting as a member of the Legislative Council or Legislative Assembly; or

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- (b) make void the member's election to the Legislative Council or Legislative Assembly; or
 - (c) prevent the member continuing to be a member of the Legislative Council or Legislative Assembly; or
 - (d) subject the member to liability to a penalty under the **Constitution Act 1975**.

13. *Trust first constituted*

- (1) The first meeting of the Trust shall be held at such time and place as is fixed by the Chairman.
- (2) The Trust shall be deemed to have been duly constituted on the day on which this Act comes into operation.
- (3) For the purposes of this Act the Trust may from time to time—

- (aa) establish any sub-committees it considers necessary and define the constitution and functions of each sub-committee so established;

S. 13(3)(aa) inserted by No. 34/2000 s. 13(a).

- (a) appoint any two or more of its members and any other person or persons with specialist expertise to be a sub-committee of the Trust;

S. 13(3)(a) amended by No. 29/1994 s. 22.

- (b) determine the procedure of each sub-committee;

S. 13(3)(b) substituted by No. 34/2000 s. 13(b).

- (ba) change the constitution or functions of a sub-committee;

S. 13(3)(ba) inserted by No. 34/2000 s. 13(b).

- (c) impose any limitations or restrictions it thinks fit upon any such sub-committee;

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S. 13(3)(d)
inserted by
No. 34/2000
s. 13(c).

(d) dissolve a sub-committee.

(4) The Trust shall meet at least four times in each calendar year.

S. 13A
inserted by
No. 34/2000
s. 14.

13A. Delegation

(1) The Trust may, by instrument under its common seal, delegate any of its functions or powers (except this power of delegation or the power to make by-laws) to—

- (a) the members constituting a sub-committee of the Trust; or
- (b) a member of the Trust; or
- (c) the chief executive officer of the Trust; or
- (d) an employee of the Trust.

(2) A delegation under sub-section (1) may be made to a specified person or class of persons referred to in that sub-section.

14. Trust employees

S. 14(1)
substituted by
No. 29/1994
s. 23(1).

(1) The Trust may employ—

S. 14(1)(a)
amended by
No. 34/2000
s. 15(1)(a).

(a) with the approval of the Minister, a chief executive officer; and

S. 14(1)(b)
repealed by
No. 34/2000
s. 15(1)(b).

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(c) any other persons that are necessary for the purposes of this Act.

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| (1A) Subject to the general direction and control of the Trust, the chief executive officer shall have the control and management of the day to day affairs of the Trust. | S. 14(1A) inserted by No. 29/1994 s. 23(1), substituted by No. 34/2000 S. 14(1A) inserted by No. 34/2000 s. 15(2). |
| (1B) The chief executive officer shall be appointed by the Trust, with the approval of the Minister, for the term, not exceeding 5 years, that is specified in the instrument of appointment but is eligible for re-appointment. | |
| (1C) The chief executive officer holds office, subject to this Act, on the terms and conditions that are specified in the instrument of appointment. | S. 14(1C) inserted by No. 34/2000 s. 15(2). |
| (1D) The Trust must not remove the chief executive officer from office except with the approval of the Minister. | S. 14(1D) inserted by No. 34/2000 s. 15(2). |
| (2) The Trust may from time to time enter into contracts for the services of any person with special qualifications on a part-time basis or for a limited period. | S. 14(2) amended by No. 29/1994 s. 23(2). |
| (3) Persons employed by the Trust shall be employed on such conditions as the Trust from time to time determines and shall be paid— | S. 14(3) amended by No. 29/1994 s. 23(3). |
| (a) such remuneration as is fixed from time to time by the Trust; and | S. 14(3)(a) amended by No. 29/1994 s. 23(3). |
| (b) such travelling and other allowances as are fixed from time to time by the Trust. | S. 14(3)(b) amended by No. 29/1994 s. 23(3). |
| (4) A person employed by the Trust is not, in respect of his or her employment as such an employee, subject to the provisions of the Public Sector Management and Employment Act 1998 . | S. 14(4) amended by Nos 46/1998 s. 7(Sch. 1), 34/2000 s. 15(3). |
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S. 14(5)
inserted by
No. 34/2000
s. 15(4).

- (5) The person holding office as general manager immediately before the commencement of section 15 of the **Arts Legislation (Amendment) Act 2000** continues to hold office as the chief executive officer for the remainder of the term for which the person was appointed as general manager.

S. 15
amended by
No. 50/1988
s. 93(2)(Sch. 2
Pt 2 item 66),
repealed by
No. 29/1994
s. 24.

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16. *Victorian Arts Centre Fund*

S. 16(1)
substituted by
No. 47/1987
s. 3(a),
amended by
No. 29/1994
s. 25.

- (1) The Trust must establish and keep a fund to be known as the Victorian Arts Centre Fund.

S. 16(2)
amended by
No. 47/1987
s. 3(b).

- (2) All moneys received by the Trust shall be paid into the Fund.

S. 16(2A)
inserted by
No. 47/1987
s. 3(c).

- (2A) The Trust must cause the money in the Fund to be paid into an account or accounts in any bank or banks approved for the purpose by the Treasurer.

S. 16(3)
amended by
Nos 47/1987
s. 3(d),
104/1995
s. 6(Sch. 1
item 28(a)(b)).

- (3) All moneys standing to the credit of the Trust in the Fund which are not for the time being required for the purposes of this Act may be invested in such manner as the Treasurer approves.

S. 16(4)
amended by
No. 47/1987
s. 3(e).

- (4) All income from the investments of the Trust shall be paid into the Fund.

Victorian Arts Centre Act 1979

Act No. 9354/1979

s. 17

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- (5) Moneys standing to the credit of the Trust in the Fund shall be applied by the Trust for or towards the costs and expenses of or incidental to the performance of its functions and the exercise of its powers under this Act.

S. 16(5)
amended by
No. 47/1987
s. 3(e).

17. Audits

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S. 17(1)–(5)
repealed by
No. 31/1994
s. 4(Sch. 2
item 99).

- (6) The Trust may engage public auditors to carry out intermediate inspections or audits as may be required.
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Pt 3
(Heading and
ss 17A–17C)
inserted by
No. 34/2000
s. 16.

PART 3—MANAGEMENT OF LAND

S. 17A
inserted by
No. 34/2000
s. 16.

17A. Application

This Part has effect despite anything to the contrary in the **Land Act 1958** and the **Crown Land (Reserves) Act 1978**.

S. 17B
inserted by
No. 34/2000
s. 16.

17B. Power to enter into leases

- (1) The Trust may grant a lease of the Centre or any part of the Centre for any purpose not inconsistent with the reservation of that land.
 - (2) A lease granted under this section may be for a term not exceeding 30 years.
 - (3) A lease granted under this section—
 - (a) may contain provision for the term of the lease to be extended one or more times, but the aggregate of the initial term and any extensions of the term must not exceed 30 years; and
 - (b) may contain provision for a lessee to remain in occupation of the land under the same terms and conditions as existed under the lease, at the discretion of the lessor, for a period of not more than 3 months from the expiry of the lease; and
 - (c) is subject to any covenants, exceptions, reservations and conditions that are determined by the Trust.
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17C. Power to grant licences over land

- (1) The Trust may grant a licence to enter and use any part of the Centre for any purpose not inconsistent with the reservation of that land.
- (2) A licence granted under this section—
 - (a) may be for a period not exceeding 7 years; and
 - (b) is subject to the terms and conditions determined by the Trust.

S. 17C
inserted by
No. 34/2000
s. 16.

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S. 18
repealed by
No. 31/1994
s. 4(Sch. 2
item 99).

Pt 4 (Heading)
inserted by
No. 34/2000
s. 3(c).

New s. 18
inserted by
No. 34/2000
s. 17.

PART 4—GENERAL

18. *Sale, disposal or exchange of object in the State collection*

- (1) The Trust must not sell or dispose of an object that is part of the State collection unless—
- (a) the Trust has resolved that retention of that object, or objects of that class, is unnecessary and inappropriate to the activities of the Trust; and
 - (b) the Trust has caused to be published and displayed in accordance with sub-section (2) a notice containing—
 - (i) a description of the object or class of objects; and
 - (ii) a statement that the Trust intends to sell or dispose of that object or an object or objects in that class of objects; and
 - (iii) a statement that any person may object in writing to the proposed sale or disposal within 6 months after the date of publication or display; and
 - (c) either—
 - (i) no objection was received within that period; or
 - (ii) if an objection was so received, the Minister, or a delegate of the Minister, has decided in accordance with this section that the sale or disposal should proceed.
- (2) A notice under sub-section (1)(b)—
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- (a) must be published not less than 6 months before the proposed sale or disposal in a newspaper circulating generally in Victoria; and
 - (b) must be displayed on the premises where the State collection is exhibited in a prominent position accessible to the public for a period of not less than 6 months before the proposed sale or disposal.
- (3) A person may object to the proposed sale or disposal of an object or class of objects under this section by notice in writing given to the Trust within 6 months after—
- (a) the date of publication of a notice under sub-section (2)(a); or
 - (b) the date of first display of a notice under sub-section (2)(b).
- (4) If the Trust receives an objection under sub-section (3) and wishes to proceed with the sale or disposal despite the objection, the Trust must refer the objection to the Minister.
- (5) The Minister must—
- (a) decide whether or not the object or class of objects should be sold or disposed of; and
 - (b) cause the Trust and every objector to be notified of the Minister's decision.
- (6) The Minister may, by instrument, delegate to a panel of persons selected by the Minister the power of the Minister under sub-section (5)(a).
- (7) The Trust may exchange with a body which has objects or functions similar to those of the Trust
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any duplicate material that is part of the State collection.

S. 18A
inserted by
No. 29/1994
s. 26.

18A. *Trust may make by-laws*

The Trust may make by-laws not inconsistent with the regulations for or with respect to—

S. 18A(a)
amended by
No. 34/2000
s. 18.

- (a) regulating or prohibiting admission to or removal of persons from the Centre; and
- (b) the care, protection and management of the Centre; and
- (c) the preservation of good order and decency in the Centre.

19. *Regulations*

The Governor in Council may make regulations not inconsistent with this Act, prescribing all matters that are required or permitted by this Act to be prescribed for carrying out or giving effect to this Act.

**PART 5—CHANGES TO MANAGEMENT OF ARTS
CENTRE LAND**

Pt 5 (Heading
and ss 20–25)
inserted by
No. 34/2000
s. 19.

20. Definitions

S. 20
inserted by
No. 34/2000
s. 19.

In this Part—

"Arts Centre land" means the land in the City of Melbourne, Parish of Melbourne South, County of Bourke, being an area of 8 acres, 0 roods, 2 perches permanently reserved as a site for a National Art Gallery and Cultural Centre by Order in Council dated 7 May 1957 and published in the Government Gazette dated 15 May 1957 at page 1593, less—

- (a) the excision authorised by the **Melbourne (St. Kilda Road Underpass) Lands Act 1969**; and
- (b) any other authorised excisions;

"lodged plan" means the plan numbered LEGL./00–04 lodged in the Central Plan Office in the Department of Natural Resources and Environment.

21. Revocation of Crown grant

S. 21
inserted by
No. 34/2000
s. 19.

- (1) On the commencement of section 19 of the **Arts Legislation (Amendment) Act 2000**—
 - (a) Crown grant Volume 8141 Folio 100 is revoked;
 - (b) subject to sections 22, 23 and 24, the Arts Centre land—
 - (i) is divested from the Trust; and
 - (ii) reverts to the Crown; and

(iii) is deemed to be unalienated land of the Crown, freed and discharged from all trusts, limitations, reservations, restrictions, encumbrances, estates and interests.

(2) This section has effect despite anything to the contrary in any Act, law or instrument.

S. 22
inserted by
No. 34/2000
s. 19.

22. Operation of this Part does not affect certain matters

Nothing in this Part affects the status or continuity of—

- (a) the permanent reservation of the Arts Centre land by the Order in Council dated 7 May 1957 and published in the Government Gazette dated 15 May 1957 at page 1593;
- (b) the perpetual licence dated 12 February 1985 (as amended from time to time) granted to the Trust under section 6(1) of the **Melbourne (Snowden Gardens) Land Act 1975**;
- (c) the proclamation dated 3 February 1987 made under section 5 of the **Melbourne (St. Kilda Road Underpass) Lands Act 1969** and published in the Government Gazette dated 11 February 1987 at page 291 and the maintenance and use, in accordance with that proclamation, of the land shown hatched on the plan in that proclamation.

S. 23
inserted by
No. 34/2000
s. 19.

23. Divesting not to affect lease to Citipower

(1) Nothing in this Part—

- (a) affects the status or continuity of any lease relating to the Arts Centre land or any part (including a stratum) of that land between the Trust and Citipower Pty (ACN 064 651 056) existing immediately before the commencement of this Part; or

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- (b) prevents the entry into a new lease for a further term in accordance with the lease referred to in paragraph (a); or
 - (c) is to be regarded as placing any person in breach of, or as constituting a default under, any provision of the lease referred to in paragraph (a), including any provision regulating the termination of the lease.

(2) In this section, "**lease**" includes an interest in the nature of a lease.

24. *Land to be managed by Trust and Council of Trustees of the National Gallery*

S. 24
inserted by
No. 34/2000
s. 19.

On the commencement of section 19 of the **Arts Legislation (Amendment) Act 2000**—

- (a) the control and management of the land shown as Parcel A on the lodged plan is vested in the Trust; and
- (b) the control and management of the land shown as Parcel B on the lodged plan is vested in the Council of Trustees of the National Gallery of Victoria constituted under the **National Gallery of Victoria Act 1966**.

25. *Registrar of Titles to make necessary amendments*

S. 25
inserted by
No. 34/2000
s. 19.

The Registrar of Titles must make any recordings in or amendments to the Register under the **Transfer of Land Act 1958** that are necessary because of the operation of any provision of this Part.

Victorian Arts Centre Act 1979
Act No. 9354/1979

Sch.

Sch. (Pt 1)
repealed by
No. 4/1995
s. 6(2).

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Sch. (Pt 2)
repealed by
No. 9863 s. 2.

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NOTES

1. General Information

The **Victorian Arts Centre Act 1979** was assented to on 20 December 1979 and came into operation on 13 March 1980: Government Gazette 5 March 1980 page 707.

Victorian Arts Centre Act 1979
Act No. 9354/1979

2. Table of Amendments

This Version incorporates amendments made to the **Victorian Arts Centre Act 1979** by Acts and subordinate instruments.

National Gallery of Victoria and the Victorian Arts Centre (Terms of Appointment of Members) Act 1981, No. 9600/1981

Assent Date: 24.11.81
Commencement Date: 24.11.81
Current State: All of Act in operation

Victorian Arts Centre (Guarantees) Act 1982, No. 9741/1982

Assent Date: 6.7.82
Commencement Date: 6.7.82
Current State: All of Act in operation

Statute Law Revision (Repeals) Act 1982, No. 9863/1982

Assent Date: 5.1.83
Commencement Date: 5.1.83
Current State: All of Act in operation

Victorian Arts Centre (Amendment) Act 1987, No. 47/1987

Assent Date: 25.8.87
Commencement Date: 22.9.87: s. 2
Current State: All of Act in operation

Liquor Control Act 1987, No. 97/1987

Assent Date: 1.12.87
Commencement Date: S. 181(17) on 3.5.88: Government Gazette 27.4.88 p. 1044
Current State: This information relates only to the provision/s amending the **Victorian Arts Centre Act 1979**

State Superannuation Act 1988, No. 50/1988

Assent Date: 24.5.88
Commencement Date: S. 93(2)(Sch. 2 Pt 2 item 66) on 1.7.88: Government Gazette 1.6.88 p. 1487
Current State: This information relates only to the provision/s amending the **Victorian Arts Centre Act 1979**

Victorian Arts Centre (Amendment) Act 1988, No. 77/1988

Assent Date: 15.12.88
Commencement Date: 15.12.88
Current State: All of Act in operation

Arts Institutions (Amendment) Act 1994, No. 29/1994

Assent Date: 31.5.94
Commencement Date: 31.5.94
Current State: All of Act in operation

Financial Management (Consequential Amendments) Act 1994, No. 31/1994

Victorian Arts Centre Act 1979

Act No. 9354/1979

Assent Date: 31.5.94
Commencement Date: S. 4(Sch. 2 item 99) on 1.1.95: Government Gazette
28.7.94 p. 2055
Current State: This information relates only to the provision/s
amending the **Victorian Arts Centre Act 1979**

Victorian Arts Centre (Amendment) Act 1995, No. 4/1995

Assent Date: 15.3.95
Commencement Date: 15.3.95
Current State: All of Act in operation

Equal Opportunity Act 1995, No. 42/1995

Assent Date: 14.6.95
Commencement Date: S. 224 on 5.10.95: Government Gazette 28.9.95
p. 2731; Sch. 2 item 44 on 1.1.96: Government
Gazette 21.12.95 p. 3571
Current State: This information relates only to the provision/s
amending the **Victorian Arts Centre Act 1979**

Trustee and Trustee Companies (Amendment) Act 1995, No. 104/1995

Assent Date: 5.12.95
Commencement Date: 1.1.96: s. 2
Current State: All of Act in operation

Arts Acts (Statute Law Revision) Act 1998, No. 5/1998

Assent Date: 21.4.98
Commencement Date: 21.4.98
Current State: All of Act in operation

Public Sector Reform (Miscellaneous Amendments) Act 1998, No. 46/1998

Assent Date: 26.5.98
Commencement Date: S. 7(Sch. 1) on 1.7.98: s. 2(2)
Current State: This information relates only to the provision/s
amending the **Victorian Arts Centre Act 1979**

Arts Legislation (Amendment) Act 2000, No. 34/2000

Assent Date: 6.6.00
Commencement Date: 1.7.00: s. 2
Current State: All of Act in operation

3. Explanatory Details

No entries at date of publication.