



ANNO TRICESIMO SEPTIMO

ELIZABETHAE II REGINAE

A.D. 1988

No. 69 of 1988

An Act to amend the Cultural Trusts Act, 1976.

[Assented to 10 November 1988]

The Parliament of South Australia enacts as follows:

Short title

1. (1) This Act may be cited as the *Cultural Trusts Act Amendment Act, 1988*.
- (2) The *Cultural Trusts Act, 1976*, is in this Act referred to as "the principal Act".

Commencement

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

Interpretation

3. Section 3 of the principal Act is amended by inserting after the definition of "local resident" the following definition:

"subscriber" means a person who is for the time being a subscriber to a Trust within the meaning of the regulations:

Substitution of s. 6

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 Section 6 of the principal Act is repealed and the following section is substituted:

Membership of Trust

6. (1) A Trust is to consist of eight trustees appointed by the Governor and of these—

(a) one is to be nominated by the council or councils in the part of the State in relation to which the Trust is established;

and

(b) seven are to be nominated by the Minister.

(2) Of the trustees nominated by the Minister—

(a) four must be subscribers chosen by the Minister from persons elected (in accordance with the regulations) by the subscribers;

and

- (b) one must be a person representative of business in the part of the State in relation to which the Trust is established.
- (3) A person is not eligible for nomination as a trustee unless the person is a local resident.
- (4) One of the trustees must be appointed by the Governor to be the chairman of the Trust.
- (5) Subject to this Act, a trustee is to hold office as follows:
- (a) subject to paragraph (b), a trustee elected by subscribers is to hold office for a term of twelve months;
 - (b) a trustee elected by subscribers to fill a casual vacancy is to hold office for the unexpired portion of the term of office of the trustee in whose place he or she is appointed;
 - (c) any other trustee is to hold office for a term (not exceeding three years) specified in the trustee's instrument of appointment.
- (6) Where a casual vacancy occurs in the office of a trustee elected by subscribers not less than four months before the next general election for the appointment of subscriber trustees, a subscriber must be elected at a by-election to fill the vacancy.
- (7) Trustees may be reappointed but not so that any person is a trustee of the same Trust for more than six consecutive years (disregarding any period of office occurring before the commencement of this subsection or resulting from an election of subscribers to fill a casual vacancy).
- (8) 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.
- (9) The office of a trustee becomes 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 ceases to be a local resident;
 - (e) being a trustee elected by subscribers, he or she ceases to be a subscriber;
 - (f) being a trustee appointed on the nomination of a council or councils, the council or councils, by notice in writing to the Minister, revoke the nomination;
- or
- (g) the trustee is removed from office by the Governor pursuant to subsection (8).

Powers of Trust

5. Section 8 of the principal Act is amended by striking out subsection (1) and substituting the following subsection:

- (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 by—
- (i) the formation of a body to provide advice on funding and policy matters;
 - (ii) the provision of managerial, artistic and technical advice;
 - (iii) the provision of financial assistance for arts programmes and projects approved by the Trust;
 - (iv) the promotion of performing and visual arts and crafts;
- and
- (c) do anything reasonably necessary for, or incidental or ancillary to, the exercise of its powers under this Act.

Substitution of s. 17

6. Section 17 of the principal Act is repealed and the following section is substituted:

Regulations

17. (1) The Governor may make such regulations as are contemplated by, or as are necessary or expedient for the purposes of, this Act.

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

- (a) prescribe the powers, duties, functions or authorities conferred or imposed on Trusts;
- (b) regulate the conduct of persons on Trust property;
- (c) provide for and prescribe any matter or thing relating to—
 - (i) the keeping of financial accounts by Trusts;
 - (ii) the making of periodic reports by Trusts;
 - (iii) the keeping of subscription records by Trusts;
- (d) prescribe the manner in which persons become, and cease to be, subscribers to a Trust;
- (e) prescribe fees to be paid by subscribers;
- (f) make any other provision in relation to the rights and obligations of subscribers;
- (g) provide for and regulate the holding of general elections and by-elections for the appointment of subscriber members of a Trust;

and

- (h) prescribe penalties (not exceeding a division 10 fine) for breach of, or non-compliance with, a regulation.

(2) A regulation made under this section may apply to Trusts generally or to particular Trusts or classes of Trust.

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

D. B. DUNSTAN, Governor