

TASMANIA

**THEATRE ROYAL MANAGEMENT AMENDMENT
BILL 2006**

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THEATRE ROYAL MANAGEMENT AMENDMENT BILL 2006

*(Brought in by the Minister for Tourism, Arts and the
Environment, the Honourable Paula Catherine Wriedt)*

A BILL FOR

An Act to amend the *Theatre Royal Management Act 1986*

Be it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

1. Short title

This Act may be cited as the *Theatre Royal Management Amendment Act 2006*.

2. Commencement

This Act commences on the day on which this Act receives the Royal Assent.

3. Principal Act

In this Act, the *Theatre Royal Management Act 1986** is referred to as the Principal Act.

*No. 17 of 1986

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4. Section 3 amended (Interpretation)

Section 3 of the Principal Act is amended as follows:

- (a) by inserting the following definition before the definition of “Board”:

“appointed member” means a member of the Board appointed under section 5(1)(a) or (b);

- (b) by inserting the following definition after the definition of “Director-General”:

“member” means a member of the Board;

5. Section 5 substituted

Section 5 of the Principal Act is repealed and the following sections are substituted:

5. Constitution of Board

- (1) The Board consists of 7 persons –
 - (a) one of whom is appointed by the Minister as Chairperson of the Board; and
 - (b) 5 of whom are persons, appointed by the Minister, with expertise relevant to the functions of the Board; and

- (c) one of whom is the Secretary of the Department or his or her delegate.
- (2) An appointed member of the Board is appointed for the period, not exceeding 3 years, specified in his or her instrument of appointment.
- (3) An appointed member of the Board is eligible for re-appointment under subsection (2).
- (4) Schedule 2 has effect with respect to the membership of the Board.
- (5) Schedule 3 has effect with respect to meetings of the Board.

5A. Objectives of Board

The Board has the following objectives:

- (a) to enable the provision to the community of culturally enriching performing arts;
- (b) to provide entertaining, educational or thought-provoking live performances;
- (c) to promote the profile of the Theatre Royal as a contemporary and historic performing arts venue;

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- (d) to assist the development of local technical, production and performance skills;
- (e) to operate the Theatre Royal as a venue for hire;
- (f) to assist to define the strategic asset maintenance needs of the Theatre Royal in keeping with its heritage values.

6. Section 6 amended (Powers and functions of Board)

Section 6 of the Principal Act is amended as follows:

- (a) by omitting from paragraph (d) “functions.” and substituting “functions;”;
- (b) by inserting the following paragraphs after paragraph (d):
 - (e) to develop strategic and business plans to meet the obligations of Australian and Tasmanian arts funding agencies;
 - (f) to enter into cooperative arrangements with production organisations and groups;
 - (g) to sublease parts of the Theatre Royal buildings;

- (h) to hire a Chief Executive Officer with specified responsibilities and to hire and second staff as needed for the Theatre Royal.

7. Schedules 2 and 3 inserted

After Schedule 1 to the Principal Act, the following Schedules are inserted:

SCHEDULE 2 – MEMBERSHIP OF BOARD

Section 5(4)

1. Holding other office

The holder of an office who is required under any Act to devote the whole of his or her time to the duties of that office is not disqualified from –

- (a) holding that office and also the office of an appointed member;
or
- (b) accepting any remuneration payable to an appointed member.

2. Remuneration of members

An appointed member is entitled to be paid such remuneration, including travelling and subsistence allowances, as the Minister determines.

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3. Vacation of office

- (1) An appointed member may resign from office by written notice addressed to the Minister.
- (2) An appointed member vacates office when the member –
 - (a) dies; or
 - (b) resigns; or
 - (c) is removed from office under subclause (3) or (4).
- (3) The Minister may remove an appointed member from office if the member –
 - (a) is absent from 2 consecutive meetings of the Board without the permission of the Board; or
 - (b) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with the member's creditors or makes an assignment of the member's remuneration or estate for their benefit; or
 - (c) has been convicted in Tasmania of any crime or offence punishable by imprisonment for a term of 12 months or longer, or elsewhere of any crime or offence

which, if committed in Tasmania,
would be punishable by
imprisonment for a term of 12
months or longer; or

(d) is convicted of an offence against
this Act.

(4) The Minister may remove an appointed
member from office if satisfied that the
member is unable to perform adequately
or competently the duties of office.

4. Filling of vacancies

(1) If the office of an appointed member
becomes vacant, the Minister may
appoint a person to the vacant office for
the remainder of that member's term of
office.

(2) The Minister may appoint a suitable
person to act as a substitute for an
appointed member while that member –

(a) is unable for any reason to
perform the functions of such a
member; or

(b) is absent for any reason.

5. Validity of proceedings

- (1) An act or proceeding of the Board is not invalid by reason only that at the time when the act or proceeding was done, taken or commenced there was a vacancy in the membership of the Board.
- (2) An act or proceeding of the Board is valid even if –
 - (a) the appointment of an appointed member of the Board was defective; or
 - (b) a person appointed as an appointed member of the Board was disqualified from acting as, or incapable of being, such a member.

SCHEDULE 3 – MEETINGS OF BOARD

Section 5(5)

1. Convening of meetings

A meeting of the Board may be convened by the Chairperson or by any 2 members.

2. Procedure at meetings

- (1) The quorum at any meeting of the Board is 4 members.

- (2) A meeting of the Board may only transact business if there is a quorum present.
- (3) A question arising at a meeting of the Board is determined by a majority of votes of the members present and voting.

3. Chairperson

- (1) The Chairperson of the Board is to preside at all meetings of the Board.
- (2) If the Chairperson of the Board is not present at a meeting of the Board, the members present are to elect one of their number to preside at that meeting.
- (3) The person presiding at a meeting of the Board has a deliberative vote.

4. Minutes

The Board is to keep accurate minutes of its meetings.

5. Disclosure of interest

- (1) A member is to disclose at a meeting of the Board any financial interest in a matter being considered by the Board.

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- (2) A disclosure of interest is to be recorded in the minutes of the meeting of the Board.
- (3) Subject to subclause (4), the member who made the disclosure must –
 - (a) not take part in any debate or vote in respect of the matter; and
 - (b) leave the meeting.
- (4) The Board may allow a member to remain at a meeting if –
 - (a) the member is required to be present to make up a quorum; or
 - (b) the Board considers that the interest disclosed by the member is too remote to influence the debate or vote.

6. General procedures

- (1) Subject to this Schedule, the procedure for calling meetings of the Board and for the conduct of business at meetings of the Board is as determined by the Board.
- (2) The Board may permit members to participate in a particular meeting by telephone or other means of communication.

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- (3)** A member who participates in a meeting under a permission granted under subclause (2) is taken to be present at the meeting.
- (4)** The Board may allow a person to attend a meeting for the purpose of advising or informing it on any matter.