

Queensland



ANNO TRICESIMO SEPTIMO  
ELIZABETHAE SECUNDAE REGINAE



No. 2 of 1988

An Act to amend the Queensland Performing Arts Trust Act  
1977-1985 in certain particulars

[ASSENTED TO 17TH MARCH, 1988]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

**1. Short title.** This Act may be cited as the *Queensland Performing Arts Trust Act Amendment Act 1988*.

**2. Commencement.** (1) Section 1 and this section shall commence on the day on which this Act is assented to for and on behalf of Her Majesty.

(2) Except as provided by subsection (1), this Act shall commence on a day appointed by Proclamation.

**3. Principal Act and citation as amended.** (1) In this Act the *Queensland Performing Arts Trust Act 1977-1985* is referred to as the Principal Act.

(2) The Principal Act as amended by this Act may be cited as the *Queensland Performing Arts Trust Act 1977-1988*.

**4. Amendment of s. 3. Interpretation.** Section 3 of the Principal Act is amended by inserting immediately above the definition "by-laws" the following definition:—

“ “appointed member” means a member appointed as such by the Governor in Council;”.

**5. Repeal of and new ss. 6, 7 and 8.** The Principal Act is amended by repealing sections 6, 7 and 8 and substituting the following sections:—

**“6. Membership of Trust.** The Trust shall consist of not more than 9 members of whom—

(a) one shall be the Departmental head for the time being or his nominee;

(b) one shall be the Director of the Trust for the time being;  
and

(c) not more than 7 shall be persons appointed by the Governor in Council on the nomination of the Minister by notification published in the Gazette.

**7. Term of appointment.** Every member appointed pursuant to paragraph (c) of section 6 shall be appointed for a term of 3 years and, if otherwise qualified, shall be eligible for further appointment as a member.

**8. Certain members to go out of office.** The persons appointed members of the Trust under this Act as in force prior to the commencement of section 5 of the *Queensland Performing Arts Trust Act Amendment Act 1988* and in office as such immediately prior to such commencement shall on such commencement cease to hold the offices to which they were so appointed.”.

**6. Amendment of s. 9. Casual vacancies.** Section 9 of the Principal Act is amended in subsection (1) by omitting the words “a member” and substituting the words “an appointed member”.

**7. Amendment of s. 10. Vacation of office.** Section 10 of the Principal Act is amended in subsection (1) by—

(a) omitting the words “a member” where they first occur and substituting the words “an appointed member”;

(b) in paragraph (e), omitting the word “a” and substituting the words “an appointed”;

(c) omitting all words from the expression “(f)” to the words “age of 70 years” inclusive and substituting the following words:—

“or

(f) is removed from office as a member by the Governor in Council”.

**8. Amendment of s. 11. Disqualification from office.** Section 11 of the Principal Act is amended by omitting the words “or continuing to be a member” and substituting the words “appointed a member or continuing as an appointed member”.

**9. Repeal of and new s. 12. Removal from office.** The Principal Act is amended by repealing section 12 and substituting the following section:—

“**12. Removal from office.** The Governor in Council may, for any cause which appears to him to be sufficient, remove any appointed member from office.”.

**10. Repeal of and new s. 18. Power to co-operate with other bodies.** The Principal Act is amended by repealing section 18 and substituting the following section:—

“**18. Power to co-operate with persons etc.** If the Trust considers that it will be beneficial for it so to do, it may co-operate with any body of persons (whether corporate or unincorporate) or any natural person (whether such body or person is in Queensland or not) and may become a member or an affiliate of any such body.”.

**11. Amendment of s. 19. Power to lend and accept property on loan.** Section 19 of the Principal Act is amended by—

(a) in the note appearing in and at the beginning of the section, omitting the words “lend and accept property on loan” and substituting the words “deal with property”;

(b) in subsection (1), omitting the words “or make available to a statutory corporation, corporation, body or society referred to in section 18 (1)” and substituting the words “, hire or make available otherwise to a natural person or a body of persons (whether corporate or unincorporate),”.

**12. New s. 28A.** The Principal Act is amended by inserting after section 28 the following section:—

“**28A. Trust subject to direction by Minister.** In the exercise and performance of its powers, authorities, functions and duties the Trust shall, except where it makes a recommendation to the Minister, be subject to the general control and direction of the Minister.”.

**13. Amendment of s. 30. Funds.** Section 30 of the Principal Act is amended by omitting the words “separate bank accounts shall be kept for each fund” and substituting the words “a separate bank account shall be kept for the trust fund”.

**14. Repeal of ss. 34 and 35 and new s. 34.** The Principal Act is amended by repealing sections 34 and 35 and substituting the following section:—

**“34. Financial Administration and Audit Act applies.** The *Financial Administration and Audit Act 1977-1985* applies to and in respect of the financial administration of the Trust to the extent provided by that Act.”.

**15. Amendment of s. 36. Budget.** Section 36 of the Principal Act is amended by—

(a) in subsection (1), omitting the words “approve, adopt and lodge with the Minister a budget” and substituting the words “prepare and lodge with the Minister a preliminary estimate of its budget”;

(b) inserting the following subsection after subsection (1):—

“(1A) After Parliament has appropriated an amount for the purposes of the Trust in respect of the financial year referred to in subsection (1) the Trust shall approve, adopt and lodge with the Minister a balanced budget in respect of its general fund for that financial year.”;

(c) in subsection (2)—

(i) omitting the expression “(1)” and substituting the expression “(1A)”;

(ii) omitting all words from the words “, and the Minister” to the words “for that year” inclusive and substituting the words “who may amend it in such way as he thinks necessary, except that he may not vary the amount appropriated by Parliament”;

(d) inserting the following subsection after subsection (3):—

“(3A) Any disbursement by the Trust from its general fund in the month of July or August in any financial year which may reasonably be regarded as an ordinary disbursement is hereby authorized and shall be included in the budget in respect of that fund for that financial year.”.