

**CULTURAL INSTITUTIONS (MISCELLANEOUS
AMENDMENTS) ACT 1989 No. 110**

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Commencement
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SCHEDULE 1 - AMENDMENTS



**CULTURAL INSTITUTIONS (MISCELLANEOUS
AMENDMENTS) ACT 1989 No. 110**

NEW SOUTH WALES



Act No. 110, 1989

An Act to amend certain Acts in relation to the governing bodies of the Archives Authority, the Art Gallery Trust, the Australian Museum Trust, the Historic Houses Trust, the Library Council, the Trustees of the Museum of Applied Arts and Sciences and the Sydney Opera House Trust; and for other purposes. [Assented to 24 August 1989]

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Cultural Institutions (Miscellaneous Amendments) Act 1989.

Commencement

2. This Act commences on a day or days to be appointed by proclamation.

Amendments

3. The Acts specified in Schedule 1 are amended as set out in that Schedule.

Savings and transitional provisions

4. (1) Subject to subsection (2), a person who, immediately before the relevant commencement, held office as a member of the governing body of a cultural institution continues to hold office as if this Act had not been enacted.

(2) Such a person's term of office extends until 31 December next following the date on which the person's term of office would otherwise expire.

(3) For the purpose of determining the number of consecutive terms for which such a person has held office, regard is to be had to any term of office that commenced before the relevant commencement as well as to any term of office that commences after that commencement.

(4) In this section:

"member of the governing body of a cultural institution" means:

- (a) a member of the Archives Authority;
- (b) a trustee of the Art Gallery Trust;
- (c) a trustee of the Australian Museum Trust;
- (d) a trustee of the Historic Houses Trust;
- (e) a member of the Library Council;

- (f) a trustee of the Museum of Applied Arts and Sciences; or
 - (g) a trustee of the Sydney Opera House Trust;
- "relevant commencement"**, in relation to a member of the governing body of a cultural institution, means the day on which the provisions of Schedule 1 commence in relation to the Act under which the member holds office.

SCHEDULE 1 - AMENDMENTS

(Sec. 3)

Archives Act 1960 No. 46:

- (1) Section 4 (**Members of the Authority**):
 - (a) Omit section 4 (2), insert instead:
 - (2) Of the members:
 - (a) 1 is to be nominated jointly by the President of the Legislative Council and the Speaker of the Legislative Assembly;
 - (b) 1 is to be nominated by the Chief Justice of the Supreme Court;
 - (c) 1 is to be nominated by the Premier; and
 - (d) 6 are to be nominated by the Minister.
 - (b) After section 4 (3), insert:
 - (3A) The members nominated by the Minister must include at least 1 person who has knowledge of, or experience in, tertiary education.
 - (c) From section 4 (4) (a) omit "four", insert instead "3".
 - (d) Omit section 4 (4) (b).
 - (e) After section 4 (4) (c), insert:
 - (d) A member is not to hold office for 4 consecutive terms.
 - (e) The appointment of a member, other than a member appointed under subsection (5), takes effect on 1 January of the year following that in which the appointment is made.

(2) Section 5 (**Vacancies - how caused**):

From section 5 (f) omit "or (g)".

(3) Section 7 (**Procedure, quorum etc.**):

From section 7 (3) omit "four", insert instead "5".

Art Gallery of New South Wales Act 1980 No. 65:

Schedule 1 (**Provisions relating to trustees and procedure of the Trust**):

(a) Omit clause 1.

(b) After clause 4 (4), insert:

(5) The appointment of a trustee, other than a trustee appointed under subclause (4), takes effect on 1 January of the year following that in which the appointment is made.

(c) Omit clause 7 (g).

Australian Museum Trust Act 1975 No. 95:

(1) Section 6 (**Appointment and procedure**):

Omit section 6 (1), insert instead:

(1) The Trust is to consist of 9 trustees appointed by the Governor on the nomination of the Minister.

(2) Schedule 1 (**Composition and procedure of the Trust**):

(a) Omit clause 1, insert instead:

Composition

1. The trustees must include:

(a) at least 1 person who has knowledge of, or experience in, science; and

(b) at least 1 person who has knowledge of, or experience in, education.

(b) Omit clause 3, insert instead:

Term of office and casual vacancies

3. (1) A trustee is to hold office for 3 years but is, subject to subclause (2), eligible for re-appointment.

(2) A trustee is not to hold office for 4 consecutive terms.

(3) On the occurrence of a vacancy in the office of a trustee otherwise than by the expiration of the trustee's term of office, the Governor may, on the nomination of the Minister,

appoint a person to fill the vacant office for the residue of the term of office of his or her predecessor.

(4) The appointment of a trustee, other than a trustee appointed under subclause (3), takes effect on 1 January of the year following that in which the appointment is made.

(c) Omit clause 7 (h).

(d) Omit clause 9 (4).

Historic Houses Act 1980 No. 94:

(1) Section 6 (**Trustees and procedure of Trust**):

(a) From section 6 (1) omit "7", insert instead "9".

(b) From section 6 (1) omit "5", insert instead "7".

(2) Schedule 1 (**Provisions relating to trustees and procedure of the Trust**):

(a) Omit clause 1.

(b) From clause 3 (1) omit "4", insert instead "3".

(c) After clause 3 (2), insert:

(3) A trustee is not to hold office for 4 consecutive terms.

(4) The appointment of a trustee, other than a trustee appointed under subclause (2), takes effect on 1 January of the year following that in which the appointment is made.

(d) Omit clause 7 (g).

(e) From clause 9 (3) omit "Four", insert instead "Five".

Library Act 1939 No. 40:

(1) Section 4 (**Appointment and procedure**):

Omit section 4 (1), insert instead:

(1) The Council is to consist of 9 members appointed by the Governor on the nomination of the Minister.

(2) Schedule (**Composition and procedure of the Council**):

(a) Omit clause 1, insert instead:

Composition

1. The members must include:

(a) at least 1 person who has knowledge of, or experience in, education; and

- (b) at least 1 person who has knowledge of, or experience in, local government.
- (b) From clause 3 (1) omit "four", insert instead "3".
- (c) After clause 3 (4), insert:
 - (5) A member is not to hold office for 4 consecutive terms.
 - (6) The appointment of a member, other than a member appointed under subclause (3), takes effect on 1 January of the year following that in which the appointment is made.
- (d) Omit clause 7 (h).
- (e) From clause 9 (2) omit "Six", insert instead "Five".

Museum of Applied Arts and Sciences Act 1945 No. 31:

Section 4:

Omit the section, insert instead:

Appointment of trustees

- 4. (1) The trustees are to be appointed by the Governor on the nomination of the Minister.
- (2) The trustees must include:
 - (a) at least 1 person who has knowledge of, or experience in, the arts or sciences; and
 - (b) at least 1 person who has knowledge of, or experience in, education.
- (3) A trustee is to hold office for 3 years but is, subject to subsection (4), eligible for re-appointment.
- (4) A trustee is not to hold office for 4 consecutive terms.
- (5) On the occurrence of a vacancy in the office of a trustee otherwise than by the expiration of the trustee's term of appointment, the Governor may, on the nomination of the Minister, appoint a person to fill the vacant office for the residue of the term of office of his or her predecessor.
- (6) The appointment of a trustee, other than a trustee appointed under subsection (5), takes effect on 1 January of the year following that in which the appointment is made.

Sydney Opera House Trust Act 1961 No. 9:

Section 6:

Omit the section, insert instead:

Trustees

6. (1) The Trust is to consist of 9 members appointed by the Governor on the nomination of the Minister.

(2) The trustees must include at least 2 persons who have knowledge of, or experience in, the performing arts.

(3) A trustee is to hold office for 3 years but is, subject to subsection (4), eligible for re-appointment.

(4) A trustee is not to hold office for 4 consecutive terms.

(5) On the occurrence of a vacancy in the office of a trustee otherwise than by the expiration of the trustee's term of appointment, the Governor may, on the nomination of the Minister, appoint a person to fill the vacant office for the residue of the term of office of his or her predecessor.

(6) The appointment of a trustee, other than a trustee appointed under subsection (5), takes effect on 1 January of the year following that in which the appointment is made.

[*Minister's second reading speech made in -
Legislative Assembly on 25 July 1989
Legislative Council on 1 August 1989*]







FIRST PRINT

**CULTURAL INSTITUTIONS (MISCELLANEOUS
AMENDMENTS) BILL 1989**

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The object of this Bill is to amend various Acts so as to standardise their provisions with respect to the constitutions of the governing bodies of the statutory authorities established by them.

The Acts to be amended consist of:

- (a) the Archives Act 1960;
- (b) the Art Gallery of New South Wales Act 1980;
- (c) the Australian Museum Trust Act 1975;
- (d) the Historic Houses Act 1980;
- (e) the Library Act 1939;
- (f) the Museum of Applied Arts and Sciences Act 1945; and
- (g) the Sydney Opera House Trust Act 1961.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the proposed Act to commence on a day or days to be appointed by proclamation.

Clause 3 is a formal provision that gives effect to the Schedule of amendments.

Clause 4 is a transitional provision that preserves and extends the terms of office of certain members of the governing bodies of the various cultural institutions. It also provides that a term of office that commences before or after the commencement of the proposed amendments is to be taken into account in determining the number of consecutive terms for which such a member has held office.

Cultural Institutions (Miscellaneous Amendments) 1989

SCHEDULE 1 - AMENDMENTS

Archives Act 1960 No. 46

The amendments to this Act will result in:

- (a) changes in the manner of appointment of 8 of the 9 members of the Archives Authority;
- (b) the requirement that the members must include at least one person who has knowledge of, or experience in, tertiary education;
- (c) the reduction, from 4 years to 3, of the term of office of a member;
- (d) the prohibition of members holding office for 4 consecutive terms;
- (e) the appointment of a member taking effect on 1 January of the year following that in which the appointment is made; and
- (f) the increase, from 4 to 5, of the number of members required to form a quorum at any meeting of the Authority.

Art Gallery of New South Wales Act 1980 No. 65

The amendments to this Act will result in:

- (a) the abolition of the existing upper age limit for the appointment of members of the Art Gallery Trust; and
- (b) the appointment of a member taking effect on 1 January of the year following that in which the appointment is made.

Australian Museum Trust Act 1975 No. 95

The amendments to this Act will result in:

- (a) the reduction, from 10 to 9, of the number of trustees forming the Australian Museum Trust;
- (b) the requirement that the trustees must include:
 - (i) at least one person who has knowledge of, or experience in, science; and
 - (ii) at least one person who has knowledge of, or experience in, education;
- (c) the abolition of the existing upper age limit for the appointment of trustees;
- (d) the reduction, from 4 years to 3, of the term of office of a trustee;
- (e) the prohibition of trustees holding office for 4 consecutive terms; and
- (f) the appointment of a trustee taking effect on 1 January of the year following that in which the appointment is made.

Historic Houses Act 1980 No. 94

The amendments to this Act will result in:

- (a) the increase, from 7 to 9, of the number of trustees forming the Historic Houses Trust;
- (b) the increase, from 5 to 7, of the number of trustees who are appointed by the Minister;

Cultural Institutions (Miscellaneous Amendments) 1989

- (c) the abolition of the existing upper age limit for the appointment of trustees;
- (d) the reduction, from 4 years to 3, of the term of office of a trustee;
- (e) the prohibition of trustees holding office for 4 consecutive terms;
- (f) the appointment of a trustee taking effect on 1 January of the year following that in which the appointment is made; and
- (g) the increase, from 4 to 5, of the number of trustees required to form a quorum at any meeting of the Trust.

Library Act 1939 No. 40

The amendments to this Act will result in:

- (a) the reduction, from 10 to 9, of the number of members of the Library Council;
- (b) the requirement that the members must include:
 - (i) at least one person who has knowledge of, or experience in, education; and
 - (ii) at least one person who has knowledge of, or experience in, local government;
- (c) the abolition of the existing upper age limit for the appointment of members;
- (d) the reduction, from 4 years to 3, of the term of office of a member;
- (e) the prohibition of members holding office for 4 consecutive terms;
- (f) the appointment of a member taking effect on 1 January of the year following that in which the appointment is made; and
- (g) the reduction, from 6 to 5, of the number of members required to form a quorum at any meeting of the Council.

Museum of Applied Arts and Sciences Act 1945 No. 31

The amendments to this Act will result in:

- (a) all trustees of the Museum of Applied Arts and Sciences being appointed by the Governor on the nomination of the Minister;
- (b) the requirement that the trustees must include:
 - (i) at least one person who has knowledge of, or experience in, the arts or sciences; and
 - (ii) at least one person who has knowledge of, or experience in, education;
- (c) the abolition of the existing upper age limit for appointment of trustees;
- (d) the reduction, from 4 years to 3, of the term of office of a trustee;
- (e) the prohibition of trustees holding office for 4 consecutive terms; and
- (f) the appointment of a trustee taking effect on 1 January of the year following that in which the appointment is made.

Sydney Opera House Trust Act 1961 No. 9

The amendments to this Act will result in:

- (a) the increase, from 8 to 9, of the number of trustees of the Sydney Opera House Trust;
 - (b) the requirement that the trustees must include at least 2 persons who have knowledge of, or experience in, the performing arts;
 - (c) the abolition of the existing upper age limit for the appointment of trustees;
 - (d) the reduction, from 4 years to 3, of the term of office of a trustee;
 - (e) the prohibition of a trustee holding office for 4 consecutive terms; and
 - (f) the appointment of a trustee taking effect on 1 January of the year following that in which the appointment is made.
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FIRST PRINT

**CULTURAL INSTITUTIONS (MISCELLANEOUS AMENDMENTS)
BILL 1989**

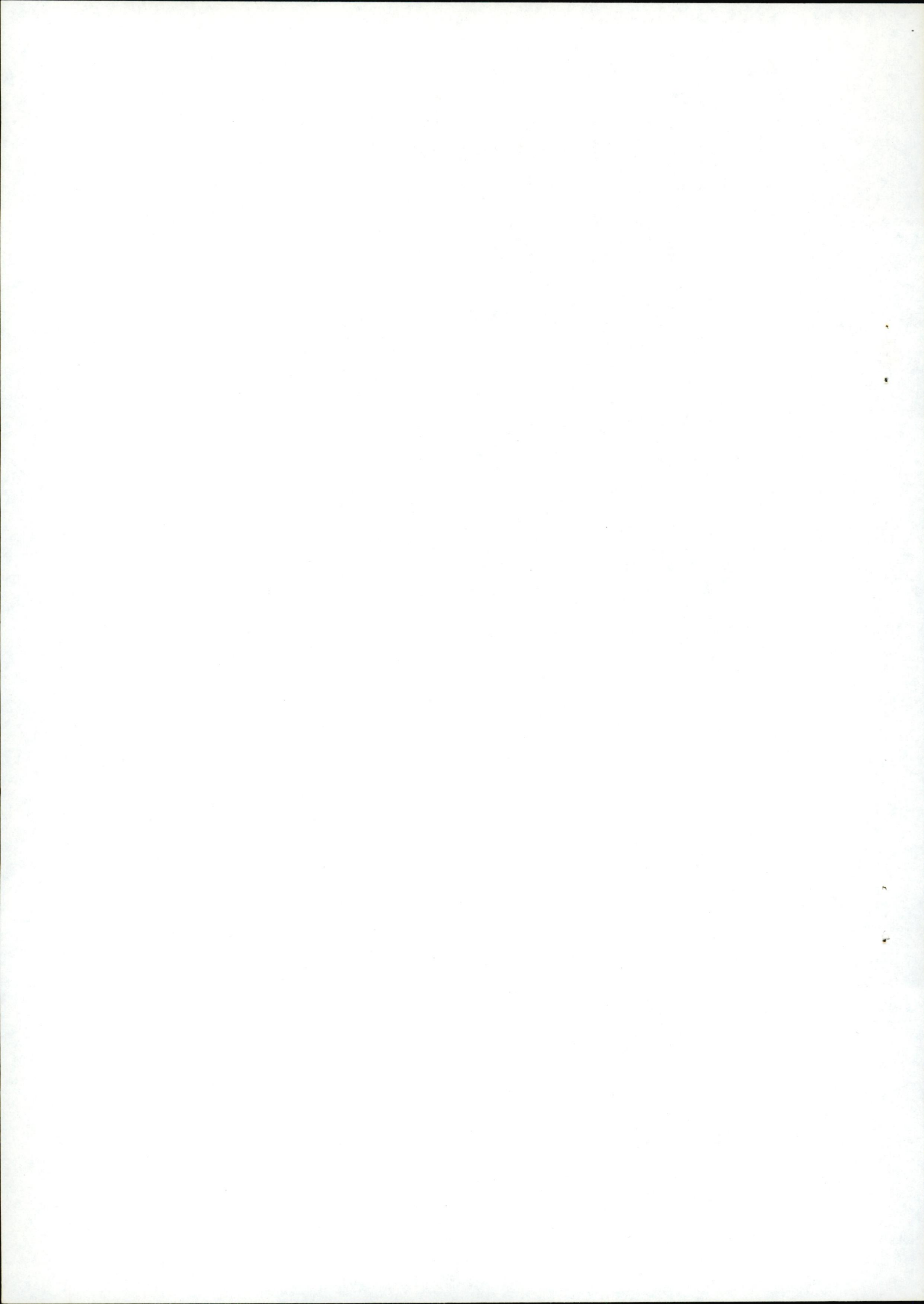
NEW SOUTH WALES



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1. Short title
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SCHEDULE 1 - AMENDMENTS



**CULTURAL INSTITUTIONS (MISCELLANEOUS
AMENDMENTS) BILL 1989**

NEW SOUTH WALES



No. , 1989

A BILL FOR

An Act to amend certain Acts in relation to the governing bodies of the Archives Authority, the Art Gallery Trust, the Australian Museum Trust, the Historic Houses Trust, the Library Council, the Trustees of the Museum of Applied Arts and Sciences and the Sydney Opera House Trust; and for other purposes.

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Cultural Institutions (Miscellaneous Amendments) Act 1989.

Commencement

2. This Act commences on a day or days to be appointed by proclamation.

Amendments

3. The Acts specified in Schedule 1 are amended as set out in that Schedule.

Savings and transitional provisions

4. (1) Subject to subsection (2), a person who, immediately before the relevant commencement, held office as a member of the governing body of a cultural institution continues to hold office as if this Act had not been enacted.

(2) Such a person's term of office extends until 31 December next following the date on which the person's term of office would otherwise expire.

(3) For the purpose of determining the number of consecutive terms for which such a person has held office, regard is to be had to any term of office that commenced before the relevant commencement as well as to any term of office that commences after that commencement.

(4) In this section:

"**member of the governing body of a cultural institution**" means:

- (a) a member of the Archives Authority;
- (b) a trustee of the Art Gallery Trust;
- (c) a trustee of the Australian Museum Trust;
- (d) a trustee of the Historic Houses Trust;
- (e) a member of the Library Council;

(f) a trustee of the Museum of Applied Arts and Sciences; or

(g) a trustee of the Sydney Opera House Trust;

"relevant commencement", in relation to a member of the governing body of a cultural institution, means the day on which the provisions of Schedule 1 commence in relation to the Act under which the member holds office.

SCHEDULE 1 - AMENDMENTS

(Sec. 3)

Archives Act 1960 No. 46:

(1) Section 4 (**Members of the Authority**):

(a) Omit section 4 (2), insert instead:

(2) Of the members:

(a) 1 is to be nominated jointly by the President of the Legislative Council and the Speaker of the Legislative Assembly;

(b) 1 is to be nominated by the Chief Justice of the Supreme Court;

(c) 1 is to be nominated by the Premier; and

(d) 6 are to be nominated by the Minister.

(b) After section 4 (3), insert:

(3A) The members nominated by the Minister must include at least 1 person who has knowledge of, or experience in, tertiary education.

(c) From section 4 (4) (a) omit "four", insert instead "3".

(d) Omit section 4 (4) (b).

(e) After section 4 (4) (c), insert:

(d) A member is not to hold office for 4 consecutive terms.

(e) The appointment of a member, other than a member appointed under subsection (5), takes effect on 1 January of the year following that in which the appointment is made.

(2) Section 5 (**Vacancies - how caused**):

From section 5 (f) omit "or (g)".

(3) Section 7 (**Procedure, quorum etc.**):

From section 7 (3) omit "four", insert instead "5".

Art Gallery of New South Wales Act 1980 No. 65:

Schedule 1 (**Provisions relating to trustees and procedure of the Trust**):

(a) Omit clause 1.

(b) After clause 4 (4), insert:

(5) The appointment of a trustee, other than a trustee appointed under subclause (4), takes effect on 1 January of the year following that in which the appointment is made.

(c) Omit clause 7 (g).

Australian Museum Trust Act 1975 No. 95:

(1) Section 6 (**Appointment and procedure**):

Omit section 6 (1), insert instead:

(1) The Trust is to consist of 9 trustees appointed by the Governor on the nomination of the Minister.

(2) Schedule 1 (**Composition and procedure of the Trust**):

(a) Omit clause 1, insert instead:

Composition

1. The trustees must include:

(a) at least 1 person who has knowledge of, or experience in, science; and

(b) at least 1 person who has knowledge of, or experience in, education.

(b) Omit clause 3, insert instead:

Term of office and casual vacancies

3. (1) A trustee is to hold office for 3 years but is, subject to subclause (2), eligible for re-appointment.

(2) A trustee is not to hold office for 4 consecutive terms.

(3) On the occurrence of a vacancy in the office of a trustee otherwise than by the expiration of the trustee's term of office, the Governor may, on the nomination of the Minister,

appoint a person to fill the vacant office for the residue of the term of office of his or her predecessor.

(4) The appointment of a trustee, other than a trustee appointed under subclause (3), takes effect on 1 January of the year following that in which the appointment is made.

- (c) Omit clause 7 (h).
- (d) Omit clause 9 (4).

Historic Houses Act 1980 No. 94:

(1) Section 6 (**Trustees and procedure of Trust**):

- (a) From section 6 (1) omit "7", insert instead "9".
- (b) From section 6 (1) omit "5", insert instead "7".

(2) Schedule 1 (**Provisions relating to trustees and procedure of the Trust**):

- (a) Omit clause 1.
- (b) From clause 3 (1) omit "4", insert instead "3".
- (c) After clause 3 (2), insert:
 - (3) A trustee is not to hold office for 4 consecutive terms.
 - (4) The appointment of a trustee, other than a trustee appointed under subclause (2), takes effect on 1 January of the year following that in which the appointment is made.
- (d) Omit clause 7 (g).
- (e) From clause 9 (3) omit "Four", insert instead "Five".

Library Act 1939 No. 40:

(1) Section 4 (**Appointment and procedure**):

Omit section 4 (1), insert instead:

(1) The Council is to consist of 9 members appointed by the Governor on the nomination of the Minister.

(2) Schedule (**Composition and procedure of the Council**):

- (a) Omit clause 1, insert instead:

Composition

1. The members must include:

- (a) at least 1 person who has knowledge of, or experience in, education; and

- (b) at least 1 person who has knowledge of, or experience in, local government.
- (b) From clause 3 (1) omit "four", insert instead "3".
- (c) After clause 3 (4), insert:
 - (5) A member is not to hold office for 4 consecutive terms.
 - (6) The appointment of a member, other than a member appointed under subclause (3), takes effect on 1 January of the year following that in which the appointment is made.
- (d) Omit clause 7 (h).
- (e) From clause 9 (2) omit "Six", insert instead "Five".

Museum of Applied Arts and Sciences Act 1945 No. 31:

Section 4:

Omit the section, insert instead:

Appointment of trustees

- 4. (1) The trustees are to be appointed by the Governor on the nomination of the Minister.
- (2) The trustees must include:
 - (a) at least 1 person who has knowledge of, or experience in, the arts or sciences; and
 - (b) at least 1 person who has knowledge of, or experience in, education.
- (3) A trustee is to hold office for 3 years but is, subject to subsection (4), eligible for re-appointment.
- (4) A trustee is not to hold office for 4 consecutive terms.
- (5) On the occurrence of a vacancy in the office of a trustee otherwise than by the expiration of the trustee's term of appointment, the Governor may, on the nomination of the Minister, appoint a person to fill the vacant office for the residue of the term of office of his or her predecessor.
- (6) The appointment of a trustee, other than a trustee appointed under subsection (5), takes effect on 1 January of the year following that in which the appointment is made.

Sydney Opera House Trust Act 1961 No. 9:

Section 6:

Omit the section, insert instead:

Trustees

6. (1) The Trust is to consist of 9 members appointed by the Governor on the nomination of the Minister.

(2) The trustees must include at least 2 persons who have knowledge of, or experience in, the performing arts.

(3) A trustee is to hold office for 3 years but is, subject to subsection (4), eligible for re-appointment.

(4) A trustee is not to hold office for 4 consecutive terms.

(5) On the occurrence of a vacancy in the office of a trustee otherwise than by the expiration of the trustee's term of appointment, the Governor may, on the nomination of the Minister, appoint a person to fill the vacant office for the residue of the term of office of his or her predecessor.

(6) The appointment of a trustee, other than a trustee appointed under subsection (5), takes effect on 1 January of the year following that in which the appointment is made.
