



ANNO TRICESIMO OCTAVO

ELIZABETHAE II REGINAE

A.D. 1989

No. 71 of 1989

An Act to amend the State Opera of South Australia Act, 1976.

[Assented to 29 October 1989]

The Parliament of South Australia enacts as follows:

Short title

1. (1) This Act may be cited as the *State Opera of South Australia Act Amendment Act, 1989*.

(2) The *State Opera of South Australia Act, 1976*, is referred to in this Act as “the principal Act”.

Commencement

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

Interpretation

3. Section 4 of the principal Act is amended—

(a) by striking out the definitions of “appointed Member” and “elected Member”;

and

(b) by striking out “Chairman of” from the definition of “Member” and substituting “to chair”.

The Board of Management

4. Section 6 of the principal Act is amended by striking out subsections (2), (3), (4), (5), (6) and (7) and substituting the following subsections:

(2) The Board of Management is to consist of eight Members appointed by the Governor, of whom two must be subscribers elected, in the manner provided for by the regulations, by subscribers.

(3) The Governor may appoint a Member to chair the Board and another Member to be the deputy of that Member.

(4) Subject to this Act, a Member holds office for a term, not exceeding three years, specified in the instrument of appointment, except for a Member elected, in the

manner prescribed by the regulations, by subscribers, who holds office for the term for which he or she is elected.

(5) A Member appointed, or elected and appointed, to fill a casual vacancy in the office of a Member holds office only for the balance of the term of the Member in whose place he or she is appointed, or elected and appointed.

(6) A Member is eligible for reappointment, or re-election and reappointment, as the case may be, but may not be reappointed, or re-elected and reappointed, for more than three consecutive terms.

Substitution of s. 11

5. Section 11 of the principal Act is repealed and the following section is substituted:

Chairing of meetings

11. (1) The Member appointed to chair the Board must chair all meetings of the Board at which he or she is present.

(2) If the Member appointed to chair the Board is absent from a meeting of the Board, the Member appointed as his or her deputy must, if present at the meeting, chair the meeting, and, if both are absent, the Members present at the meeting must choose one of their number to chair the meeting.

(3) The Member chairing a meeting of the Board has, in the event of an equality of votes, a second or casting vote in addition to a deliberative vote.

Substitution of s. 17

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

Board subject to general control and direction of the Minister

17. The Board is, in the performance of its powers and functions, subject to the general control and direction of the Minister.

State Opera to keep proper accounts

7. Section 23 of the principal Act is amended by striking out subsection (2) and substituting the following subsections:

(2) The State Opera must—

(a) ensure that all money payable to the State Opera is properly collected;

(b) ensure that all liabilities and expenditures of the State Opera are properly authorized;

(c) ensure that adequate control is maintained over its assets;

(d) ensure efficiency and economy of operations and the avoidance of waste and extravagance;

(e) develop and maintain an adequate budgeting and accounting system;

and

(f) develop and maintain an adequate internal audit system.

(3) The Auditor-General must, in respect of each financial year of the State Opera, audit the accounts of the State Opera.

Budget

8. Section 26 of the principal Act is amended by striking out subsection (1) and substituting the following subsection:

(1) The State Opera must, on or before 31 August in each year, present to the Minister a budget showing its estimates of its receipts and payments for the current financial year.

Substitution of s. 28

9. Section 28 of the principal Act is repealed and the following section is substituted:

Annual report

28. (1) The State Opera must, on or before 30 September in each year, present a report to the Minister on the activities of the State Opera during the preceding financial year.

(2) A report under this section must incorporate the audited statement of accounts of the State Opera for the financial year to which the report relates.

(3) The Minister must, within 12 sitting days after receipt of a report under this section, cause copies of the report to be laid before both Houses of Parliament.

SCHEDULE

The principal Act is further amended as follows:

Provision Amended	How Amended
Section 2	Strike out this section.
Section 3	Strike out this section.
Section 4	Strike out "of this Act" wherever occurring.
Section 5 (2) (a)	Strike out "shall be" and substitute "is".
Section 5 (2) (b)	Strike out "shall be" and substitute "is".
Section 5 (2) (c)	Strike out "shall be" and substitute "is".
Section 5 (2) (d)	Strike out "shall have" and substitute "has".
Section 5 (3)	Strike out "shall be" and substitute "is to be".
Section 7	After "his" insert "or her".
Section 9	Strike out "shall become" and substitute "becomes".
Section 9 (a)	Strike out "he" and substitute "the Member".
Section 9 (b)	Strike out "his" and substitute "the Member's".
Section 9 (c)	Strike out "he" and substitute "the Member".
Section 9 (d)	Strike out "he" and substitute "the Member". Strike out "of this Act".
Section 10 (1)	Strike out "shall" and substitute "must".
Section 10 (2)	Strike out "shall" and substitute "must".
Section 10 (3)	Strike out "shall" and substitute "must".
Section 10 (4)	Strike out "shall constitute" and substitute "constitute". Strike out "shall be" and substitute "is".
Section 10 (5)	Strike out "shall be the" and substitute "is a".
Section 10 (6)	Strike out "shall" and substitute "must".
Section 12	Strike out "shall" and substitute "may". Strike out "shall be" and substitute "is".
Section 13 (2)	Strike out "of this section". Strike out "shall prevent" and substitute "prevents".
Section 14	Strike out "shall be" and substitute "is".
Section 15	Strike out this section.
Section 16 (1)	Strike out "of this section". After "he", twice occurring, insert, in each case, "or she". Strike out "shall" and substitute "must". Strike out "Five Hundred dollars" and substitute "Division 7 fine".
Section 16 (2)	Strike out "of this section". Strike out "shall be deemed not" and substitute "is not to be taken". After "he" insert "or she".
Section 18 (1)	Strike out "Subject to this Act and in relation to and not in derogation from the powers and functions elsewhere conferred on it the State Opera may—" and substitute "Subject to this Act, the State Opera may—".
Section 19 (2)	Strike out "1969-1972, shall apply" and substitute "1969, applies".
Section 21 (2)	Strike out "shall" and substitute "may".
Section 21 (3)	Strike out "or supplementary arrangement". Strike out "section 6 of the Superannuation Act, 1974-1976" and substitute "section 5 of the <i>Superannuation Act, 1988</i> ".
Section 22 (1)	Strike out "shall" and substitute "must".

Provision Amended	How Amended
Section 22 (2)	Strike out "shall" and substitute "must".
Section 22 (3)	Strike out "shall have and". Strike out "him" and substitute "the secretary".
Section 23 (1)	Strike out "shall" and substitute "must".
Section 24 (2)	Strike out "he" and substitute "the Treasurer".
Section 24 (3)	Strike out "of this section shall" and substitute "may".
Section 25 (1)	Strike out "shall be" and substitute "are".
Section 25 (1) (b)	Strike out "of this Act".
Section 26 (2)	Strike out "to him pursuant to subsection (1) of this section" and substitute "pursuant to subsection (1)".
Section 26 (3)	Strike out "shall" and substitute "must".
Section 27	Strike out "shall" and substitute "may". After "his", twice occurring, insert, in each case, "or her".
Section 29 (2)	Strike out "shall be" and substitute "is".
Section 29 (3)	Strike out this subsection.
Section 29 (4)	Strike out this subsection.
Section 30	Strike out "shall" and substitute "must".
Section 31 (2)	Strike out "of this section".
Section 31 (2) (b) (i)	After "he" insert "or she".
Section 31 (2) (d)	Strike out this paragraph and substitute— (d) prescribe fines not exceeding a division 9 fine for contravention of, or non-compliance with, any regulation.

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

C. L. LAUCKE, Governor's Deputy