
BELLERIVE OVAL MANAGEMENT AUTHORITY ACT 1989

No. 6 of 1989

TABLE OF PROVISIONS

PART I

PRELIMINARY

1. Short title.
2. Commencement.
3. Interpretation.

PART II

**BELLERIVE OVAL MANAGEMENT
AUTHORITY**

4. Constitution of Authority.
5. Membership of Authority.
6. Protection of members of Authority.
7. Power of Governor to give statements of policy objectives to Authority.
8. Functions of Authority.
9. Powers of Authority.
10. Contracts, &c., entered into by City in respect of Bellerive Oval before commencement day.
11. Employees.
12. Committees.
13. Delegation by Authority.

PART III

FINANCES OF THE AUTHORITY

14. Funds of Authority.
15. Payment of certain borrowings, &c., by City.
16. Temporary investment of funds.
17. Accounts.
18. Audit.
19. Annual estimate of expenditure and revenue.
20. Borrowing by Authority.
21. Depreciation account.
22. Reserve accounts.
23. Guarantees.
24. Application of profits and liquidation of losses.

PART IV

MISCELLANEOUS AND SUPPLEMENTAL

25. Annual report.
26. Appropriation of fines, &c.
27. Recovery of fees and charges.
28. Application of Divisions 1 and 1A of Part XVI and Part XVIII of *Local Government Act 1962* to buildings erected on site.
29. Regulations.
30. By-laws.
31. Transitional provision.

SCHEDULE 1

BELLERIVE OVAL

SCHEDULE 2

PROVISIONS WITH RESPECT TO
MEMBERSHIP OF THE AUTHORITY

SCHEDULE 3

PROVISIONS WITH RESPECT TO
MEETINGS OF THE AUTHORITY

SCHEDULE 4

PROVISIONS WITH RESPECT TO THE
APPOINTMENT, AND THE TERMS AND
CONDITIONS OF EMPLOYMENT, OF
EMPLOYEES OF THE AUTHORITY



**BELLERIVE OVAL MANAGEMENT AUTHORITY ACT
1989**

No. 6 of 1989

AN ACT to provide for the establishment of an authority for the management of the Bellerive Oval, to prescribe the functions and powers of the Authority, and to provide for related matters.

[Royal Assent 18 April 1989]

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:—

PART I

PRELIMINARY

1—This Act may be cited as the *Bellerive Oval Management Authority Act 1989*. Short title.

2—(1) This section and section 1 shall commence on the day on which this Act receives the Royal assent. Commencement.

(2) Except as provided in subsection (1), this Act shall commence on such day as may be fixed by proclamation.

Interpretation.

3—In this Act, unless the contrary intention appears—

“Authority” means the Bellerive Oval Management Authority constituted under section 4;

“Bellerive Oval” means the site and includes the buildings and facilities situated on the site;

“City” means the corporation of the city of Clarence;

“commencement day” means the day fixed by proclamation under section 2 (2);

“employee” means an employee appointed by the Authority under section 11 (1);

“financial year” means a period of 12 months ending on 30th June in any year;

“functions” includes duties;

“plan” means the plan lodged in the Central Plan Office within the Department of Lands, Parks and Wildlife at Hobart and registered, and numbered 3675, in the Central Plan Register, a reduced copy of which plan is set out, by way of illustration only, in Schedule 1;

“site” means the area of land shown bounded as indicated by a heavy black line on the plan.

PART II

BELLERIVE OVAL MANAGEMENT AUTHORITY

Constitution of Authority.

4—(1) There is constituted by this Act a body corporate with the corporate name of the Bellerive Oval Management Authority.

(2) The Authority—

(a) has perpetual succession;

(b) shall have a common seal;

(c) may take proceedings, and be proceeded against, in its corporate name;

(d) may purchase, hold, dispose of, and otherwise deal with property;

(e) may do and be subject to all other things that corporations may by law do and be subject to and that are necessary for, or incidental to, the purpose for which it was constituted; and

(f) has the functions imposed, and the powers conferred, on it by, or under, this or any other Act.

(3) The common seal of the Authority shall not be affixed to a document except in pursuance of a resolution of the Authority and every sealing shall be authenticated by the signature of at least 2 members of the Authority.

(4) All courts, judges, and persons acting judicially shall take judicial notice of the common seal of the Authority affixed to a document and, unless the contrary is established, shall presume that it was duly affixed.

5—(1) The Authority shall consist of 5 members appointed by the Governor of whom— Membership of Authority.

(a) one shall be a person, nominated jointly by the Minister and the City;

(b) two shall be persons nominated by the Minister; and

(c) two shall be persons nominated by the City.

(2) The member of the Authority referred to in subsection (1) (a) shall be the chairman of the Authority.

(3) Schedule 2 has effect with respect to the membership of the Authority.

(4) Schedule 3 has effect with respect to the meetings of the Authority.

6—A member of the Authority shall not incur any personal liability in respect of any act done or omitted to be done by the member in good faith in the performance or exercise, or purported performance or exercise, of any function or power under this Act or in the administration or execution, or purported administration or execution, of this Act. Protection of members of Authority.

7—(1) The Governor may, on the joint recommendation of the Minister and the City, from time to time, give to the Authority a statement in writing specifying the policy objectives of the Government of Tasmania and the City with respect to any matter relating to the powers, functions, or affairs of the Authority under this Act and, on being given such a statement, it is the duty of the Authority to perform its functions, to exercise its powers, and to conduct its affairs in a manner that is consistent with the objectives specified in the statement. Power of Governor to give statements of policy objectives to Authority.

(2) Before the Governor gives to the Authority a statement under subsection (1), the Minister and a representative of the City shall consult the Authority with regard to the contents and purpose of the proposed statement.

(3) The power conferred on the Governor by subsection (1) shall not be exercised so as—

- (a) to require the Authority to do anything that it is not empowered to do by this Act;
- (b) to prevent the Authority from performing any function that it is expressly required by this Act to perform, either conditionally or unconditionally; or
- (c) to interfere with the formation by the Authority of any opinion or belief in relation to any matter that has to be determined as a prerequisite to the performance or exercise by the Authority of any of its functions or powers.

Functions of
Authority.

8—(1) The functions of the Authority are as follows:—

- (a) to provide for the care, control, management, maintenance, and improvement of the Bellerive Oval;
- (b) to encourage and promote sporting and community events at the Bellerive Oval;
- (c) such other functions as may be prescribed.

(2) In the performance of its functions and the exercise of its powers, the Authority shall—

- (a) promote the Bellerive Oval principally as a sporting complex;
- (b) promote and encourage the use of the Bellerive Oval as a venue for the playing of cricket;
- (c) consult with the sub-lessees of the Bellerive Oval; and
- (d) conduct its affairs as a viable commercial enterprise.

(3) The Authority shall not perform its functions or exercise its powers so as to prevent or in any way restrict the use of the Bellerive Oval as a venue for the playing of cricket.

Powers of
Authority.

9—(1) Without limiting the generality of section 4 (2) (e), the Authority may—

- (a) enter into any contract, agreement, or arrangement with any person or body, whether corporate or unincorporate, for the purpose of the performance of its functions or the exercise of its powers;
- (b) make available the whole or any part of the Bellerive Oval for any purpose for which, in the opinion of the Authority, the Bellerive Oval is suited;

- (c) permit the use of any part of the Bellerive Oval for—
 - (i) the taking of photographs, the making of films and sound recordings, and the production of radio or television programme material; or
 - (ii) the conduct of religious, educational, social, or cultural functions, of events connected with State occasions, or of charitable or other promotional activities;
- (d) provide or permit the provision of food and other refreshments and catering services in connection with the use of the Bellerive Oval;
- (e) authorize any person to sell any wares at the Bellerive Oval;
- (f) provide, construct, and maintain roads, pathways, and plazas at the Bellerive Oval;
- (g) provide and maintain water supply, sewerage, drainage, and other services at the Bellerive Oval;
- (h) sell or let on hire to, or otherwise provide for the use of, persons using the Bellerive Oval equipment and other goods;
- (i) levy and collect fees and charges in relation to any of the foregoing matters including the use of the Bellerive Oval;
- (j) impose such terms and conditions as it thinks fit in relation to the exercise by it of any of the foregoing powers;
- (k) appoint and engage as an independent contractor, on such terms and conditions as may be arranged, any person—
 - (i) to perform such of its functions and exercise such of its powers as the Authority may require; and
 - (ii) to provide such services as the Authority may require in connection with the performance of its functions and the exercise of its powers; and
- (l) do all things incidental to the exercise of the foregoing powers.

(2) The Authority shall not, without the approval of the City—

- (a) enter into any contract, agreement, or arrangement under subsection (1) (a) with any person or body other than the City; or
- (b) appoint and engage as an independent contractor under subsection (1) (k) any person other than the City.

Contracts, &c.,
entered into by
City in respect
of Bellerive Oval
before
commencement
day.

10—Except as provided in section 15, where a contract, agreement, arrangement, or undertaking entered into by the City in respect of the Bellerive Oval before the commencement day has not been performed, executed, or discharged before that day, all rights and obligations of the City under the contract, agreement, arrangement, or undertaking shall be assigned to the Authority on that day.

Employees.

11—(1) The Authority shall appoint such employees as may be necessary for the performance of its functions or the exercise of its powers under this Act.

(2) Employment under this section may be—

- (a) in a permanent, or a temporary, capacity; and
- (b) on a full-time, or a part-time, basis.

(3) Schedule 4 has effect with respect to the appointment, and the terms and conditions of employment, of employees appointed under this section.

Committees.

12—(1) The Authority may, by resolution, establish committees for the purpose of assisting it in the exercise of its powers and the performance of its functions under this Act.

(2) A committee established under subsection (1) shall be constituted by such persons as the Authority considers appropriate and may include, in addition to or in place of members of the Authority, employees of the Authority and other persons.

(3) Subject to subsection (4), a member of a committee established under this section is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Authority may from time to time determine, and the payment of any such remuneration shall be made out of the funds of the Authority.

(4) A member of a committee who is—

(a) a Head of an Agency, or an employee, within the meaning of the *Tasmanian State Service Act 1984*;

or

(b) otherwise holding, or acting in, an office—

(i) under that Act; or

(ii) in an Agency within the meaning of that Act,

is not entitled to remuneration under subsection (3), except with the approval of the Minister administering that Act.

13—(1) The Authority may, by instrument in writing under its common seal, delegate to a person specified in the instrument the performance or exercise of such of its functions and powers under this Act or any other Act (other than this power of delegation) as are specified in the instrument, and may, by instrument in writing under its common seal, revoke wholly or in part any such delegation.

Delegation by Authority.

(2) A function or power the performance or exercise of which has been delegated under this section may, while the delegation remains unrevoked, be performed or exercised from time to time in accordance with the terms of the delegation.

(3) A delegation under this section may be made subject to such conditions or limitations as to the performance or exercise of any of the functions or powers delegated, or as to time or circumstance, as are specified in the instrument.

(4) Notwithstanding any delegation under this section, the Authority may continue to perform or exercise all or any of the functions or powers delegated.

(5) Any act or thing done by, or to, a delegate of the Authority while acting in the exercise of a delegation under this section shall have the same force and effect as if the act or thing had been done by, or to, the Authority and shall be deemed to have been done by, or to, the Authority.

(6) An instrument purporting to be signed by a delegate of the Authority in his capacity as such a delegate shall in all courts and before all persons acting judicially be received in evidence as if it were an instrument executed by the Authority under seal and, until the contrary is proved, shall be deemed to be an instrument signed by a delegate of the Authority under this section.

(7) Where the exercise of a power by the Authority is dependent on the opinion or belief of the Authority, a delegate of the Authority under this section may, in exercising that power, act on his own opinion or belief.

PART III

FINANCES OF THE AUTHORITY

Funds of
Authority.

14—(1) The Authority shall establish such bank accounts as it considers necessary.

(2) The funds of the Authority shall be paid to the credit of such of the accounts referred to in subsection (1) as it determines and shall consist of—

- (a) any money appropriated by Parliament for the purposes of the Authority;
 - (b) money received by way of fees and charges imposed by the Authority under this Act;
 - (c) all money derived by the Authority from—
 - (i) the leasing of any part of the Bellerive Oval or of other land under the control of the Authority; or
 - (ii) the sale or other disposal by the Authority of any property that the Authority has power to sell or dispose of;
 - (d) all money borrowed by the Authority under this Act; and
 - (e) all other money received from any other source by the Authority.
- (3) The funds of the Authority shall be applied—
- (a) in payment or discharge of the expenses, charges, and obligations incurred or undertaken by the Authority in the performance of its functions or the exercise of its powers under this Act; and
 - (b) in the payment of any remuneration payable under this Act.

15—The City shall be responsible for the repayment of any money borrowed by the City in relation to the Bellerive Oval, and for the payment of any interest on that money, under any agreement entered into before the commencement day.

Payment of certain borrowings, &c., by City.

16—The Authority may invest any money that it is holding and for which it has no immediate use in such manner as it thinks fit.

Temporary investment of funds.

17—(1) The Authority shall keep proper accounts and records in relation to all of its operations and shall, on or before 31st August in each year, prepare a statement of accounts in a form approved by the Auditor-General, exhibiting a true and correct view of the financial position and the transactions of the Authority with respect to the preceding financial year.

Accounts.

(2) The Authority shall enter into an arrangement with the City for the preparation and maintenance by the City of the accounts and records referred to in subsection (1).

18—(1) The accounts of the Authority are subject to the *Audit Act 1918*.

Audit.

(2) The Authority shall pay to the Consolidated Fund towards defraying the costs and expenses of any audit under this section such amounts, and at such times, as the Treasurer may require.

19—(1) The Authority shall—

(a) as soon as practicable after the commencement day submit to the Minister and the City an estimate of the probable expenditure and revenue of the Authority for the period commencing on that day and ending on the next following 30th June; and

(b) not later than 30th April in each subsequent year submit to the Minister and the City an estimate of the probable expenditure and revenue of the Authority during the financial year beginning on the next following 1st July,

Annual estimate of expenditure and revenue.

in or in connection with the performance and exercise of any of its functions and powers.

(2) The Minister and the City shall, within 28 days of receiving an estimate under subsection (1) (a) and before 31st May in any year referred to in subsection (1) (b)—

(a) jointly approve the estimate without variation; or

(b) jointly approve the estimate subject to such variation as is considered appropriate.

(3) The Authority shall not, without the consent of the Minister and the City, in any financial year exceed the estimate of the expenditure approved by the Minister and the City for that financial year unless it is able to offset the additional expenditure with additional revenue in that financial year.

(4) The Authority shall provide reports of its financial position to the Minister and the City in such form as the Minister and City jointly approve at the expiration of each period of 3 months from the commencement day and on such other occasions as the Minister and the City may jointly direct.

Borrowing by
Authority.

20—(1) The Authority may, subject to subsection (2), borrow by overdraft on its bank accounts for the purpose of performing any of its functions or exercising any of its powers under this Act.

(2) The Authority shall not borrow by overdraft an amount in excess of \$100 000 (or such other amount as is from time to time determined for the purposes of this subsection by the Governor, by order, on the joint recommendation of the Treasurer and the City) except with the approval of the Treasurer and the City.

(3) The Treasurer and the City may, separately or jointly, grant a loan to the Authority for both or either of the following purposes:—

(a) meeting working expenses;

(b) paying off any overdraft, either wholly or in part, and the loan shall be on such terms as to repayment, payment of interest, and otherwise, as the Treasurer or the City, or both the Treasurer and the City jointly, as the case may be, may determine.

(4) For the purposes of this Act, the Authority may, with the approval of the Treasurer and the City and subject to such terms and conditions as the Treasurer and the City may jointly determine, borrow money from such sources, other than those referred to in subsections (1) and (3), and in such manner, as the Treasurer and the City may jointly approve.

(5) Any money borrowed by the Authority under subsection (4) may be secured by the issue of such securities as the Treasurer and the City may jointly approve.

(6) The Authority shall make such provisions as the Treasurer and the City may jointly require for the establishment of a sinking fund for the purpose of repaying money borrowed by the Authority under subsection (4).

(7) For the purposes of this section, without affecting the generality of section 29, regulations under that section may make provision for or with respect to—

- (a) the form of securities that may be issued under this section;
- (b) the manner of issuing, selling, transferring, redeeming, and repurchasing securities;
- (c) the keeping and inspection of and the taking of copies of or extracts from any register or ledger relating to securities;
- (d) lost or defaced securities; or
- (e) any other matter considered necessary or convenient for the exercise by the Authority of its powers under this section.

21—(1) The Authority shall make such annual provision as the Treasurer and the City may jointly approve for the depreciation of its assets and the amount so set aside shall be credited to a special account to be known as the “depreciation account”. Depreciation account.

(2) The money provided pursuant to subsection (1) may be applied by the Authority for—

- (a) financing the purchase of new assets or the replacement of, or otherwise making good the depreciation of, its assets; and
- (b) making investments in such manner as the Treasurer and the City may jointly approve.

22—(1) Subject to subsection (2), the Authority may, out of the money received by it under this Act, set aside such amount as it considers necessary for the purpose of— Reserve accounts.

- (a) making provision for undetermined losses or liabilities; or
- (b) creating a reserve, or reserves, against contingencies, or for such other purpose as may be determined by the Authority.

(2) The Authority shall not exercise the power conferred on it by subsection (1) unless the Treasurer and the City have approved of the amount of each provision or reserve, and the purpose for which each provision or reserve is made.

Guarantees.

23—(1) The Treasurer may, either alone or jointly with some other person, execute a guarantee in favour of a bank or another person or body of persons, whether corporate or unincorporate, for the repayment of, and payment of interest on, any loan (including a bank overdraft) made to the Authority for the purpose of performing any of its functions or exercising any of its powers under this Act.

(2) The following provisions shall apply to, and in respect of, a guarantee executed under subsection (1):—

(a) the guarantee may include any interest, charges, and expenses chargeable by the creditor against the Authority and the expenses of enforcing or obtaining, or endeavouring to enforce or obtain, payment of the debt guaranteed, that interest, those charges, or those expenses;

(b) the guarantee may be expressed to include compound interest;

(c) the creditor shall, if required to do so by the Treasurer and the person who executed the guarantee jointly with the Treasurer, obtain, take and hold, or retain and hold securities for the payment of the principal debt of such nature as the Treasurer and that other person may require;

(d) the guarantee shall not be enforceable against the Treasurer or the person who executed the guarantee jointly with the Treasurer unless and until the creditor has exercised his rights and remedies under all securities held by, or for, him in respect of the debt guaranteed, other than the guarantee.

(3) Subject to subsection (2), a guarantee executed under subsection (1) may be subject to such terms and conditions as the Treasurer and the person who executed the guarantee jointly with the Treasurer think fit.

(4) The amount of any liability incurred under a guarantee executed under this section is a charge on the Consolidated Fund and is payable out of that Fund without further appropriation than this subsection.

24—Where in any financial year the profit and loss account of the Authority for the immediately preceding financial year shows— Application of profits and liquidation of losses.

(a) an operating profit—

(i) the whole or so much of that profit as the Treasurer and the City may jointly agree shall be paid to the reserve accounts created by the Authority; and

(ii) so much of that profit as is not otherwise dealt with in subparagraph (i) shall be paid to the City; or

(b) an operating loss, the City shall pay to the Authority to the credit of that profit and loss account so much, if any, of the amount of that operating loss as is not available in the reserve account established under section 22 (1) (a) for the purpose of liquidating that operating loss.

PART IV

MISCELLANEOUS AND SUPPLEMENTAL

25—(1) The Authority shall, not later than 30th November after the end of each financial year, submit to the Minister and the City, in relation to that financial year— Annual report.

(a) a report of its affairs and activities;

(b) a copy of the statement of accounts referred to in section 17; and

(c) a copy of the Auditor-General's report with respect to those accounts.

(2) The Minister shall cause a copy of the report and accounts of the Authority, together with a copy of the Auditor-General's report with respect to those accounts, to be laid on the table of each House of Parliament within 14 sitting days of that House after receipt by him of the report and accounts.

26—All fines and penalties enforced or recovered under this Act shall be paid to the Authority. Appropriation of fines, &c.

27—Any fees or charges payable to the Authority under this Act may be recovered by the Authority as a debt or liquidated demand in a court of competent jurisdiction. Recovery of fees and charges.

Application of Divisions 1 and 1A of Part XVI and Part XVIII of *Local Government Act 1962* to buildings erected on site.

28—Divisions 1 and 1A of Part XVI and Part XVIII of the *Local Government Act 1962* apply in respect of—

- (a) the erection of any building on the site; and
- (b) any structural alteration to, or enlargement or extension of any building to be erected on, or erected on, the site.

Regulations.

29—The Governor may, on the joint recommendation of the Minister and the City, make regulations for the purposes of this Act.

By-laws.

30—(1) The Authority may make by-laws for the purposes of this Act.

(2) Without limiting the generality of subsection (1), by-laws may be made relating to—

- (a) the control and management of the Bellerive Oval;
- (b) the proceedings of the Authority;
- (c) subject to any relevant industrial award or agreement, the terms and conditions of employment, and the functions and powers, of employees;
- (d) the conduct of persons using the Bellerive Oval; and
- (e) the use of the Authority's emblem.

(3) By-laws under this section—

- (a) may be made subject to such conditions, or be made so as to apply differently according to such factors, as may be specified in the by-laws, or according to such limitations or restrictions, whether as to time or circumstance or otherwise, as may be so specified; and
- (b) may provide that it is an offence, punishable on summary conviction, for a person to contravene, or fail to comply with, any of the by-laws and may provide in respect of any such offence for the imposition of a fine not exceeding 10 penalty units and, in the case of a continuing offence, a further fine not exceeding 2 penalty units for each day during which the offence continues.

31—Any by-laws made under the *Local Government Act 1962* relating to the Bellerive Oval and in force on the commencement day shall continue to apply to the Bellerive Oval—^{Transitional provision.}

(a) for a period of 3 years from the commencement day;
or

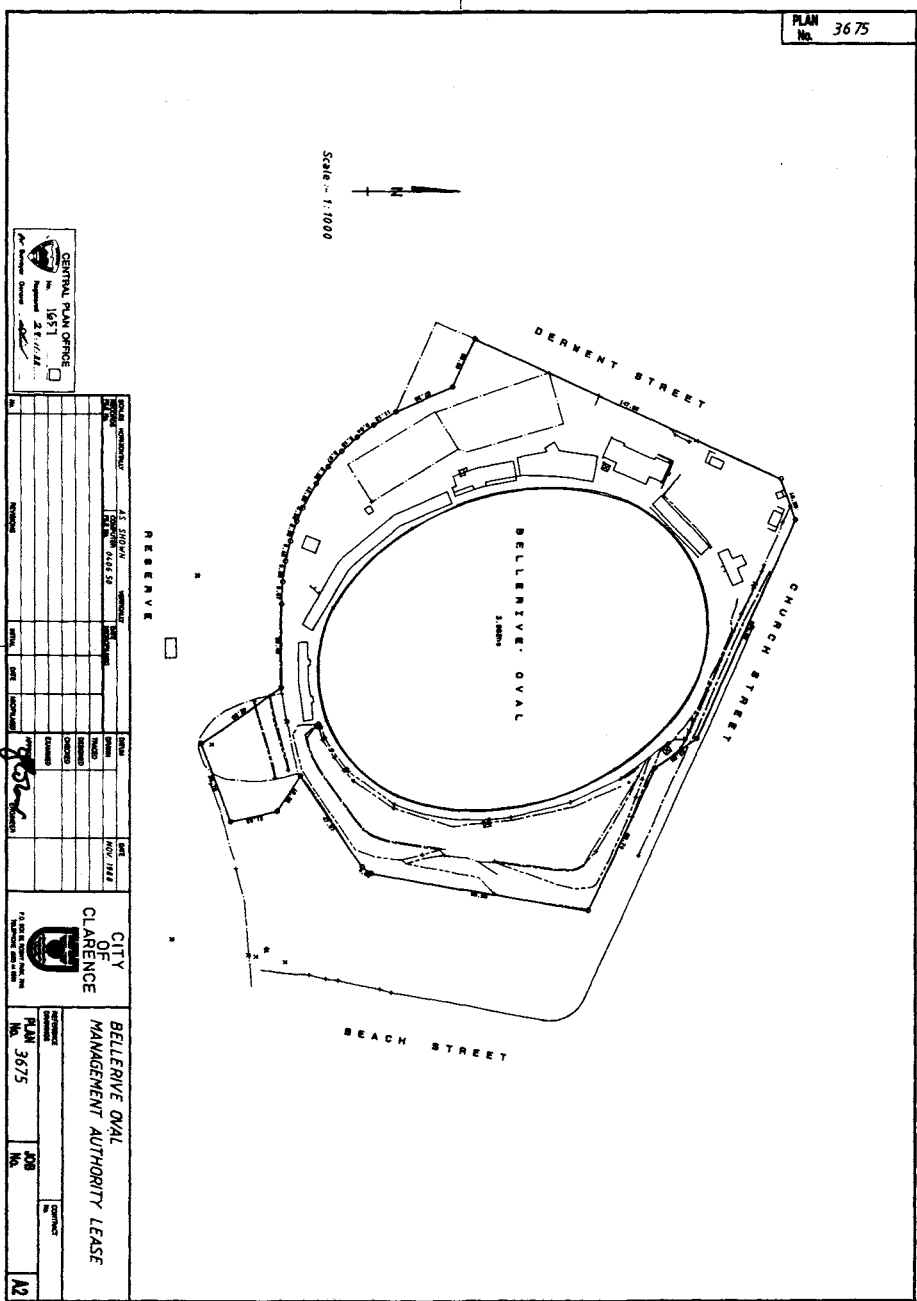
(b) until such time as the Authority makes by-laws under section 30,

whichever is the earlier.

SCHEDULE 1

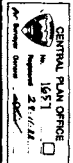
Section 3

BELLERIVE OVAL



PLAN No. 3675

Scale - 1:10000



NO.	DESCRIPTION	DATE	BY	CHKD.
1	ISSUED FOR TENDERS	1987		
2	REVISED			
3	REVISED			
4	REVISED			
5	REVISED			
6	REVISED			
7	REVISED			
8	REVISED			
9	REVISED			
10	REVISED			
11	REVISED			
12	REVISED			
13	REVISED			
14	REVISED			
15	REVISED			
16	REVISED			
17	REVISED			
18	REVISED			
19	REVISED			
20	REVISED			



BELLERIVE OVAL
MANAGEMENT AUTHORITY LEASE

PLAN No. 3675

JOB No.

DATE

A2

SCHEDULE 2

Section 5

PROVISIONS WITH RESPECT TO MEMBERSHIP OF THE
AUTHORITY

1—(1) A member of the Authority shall be appointed for such term, not exceeding 5 years, as is specified in the instrument of his appointment and shall, if otherwise qualified, be eligible for reappointment from time to time for a term, not exceeding 5 years, specified in the instrument of his reappointment. Terms of office.

(2) The terms of office specified for the purposes of subclause (1) shall, so far as is possible, be such as to ensure that they expire at evenly spaced intervals.

2—Where, by or under any Act, provision is made requiring the holder of an office to devote the whole of his time to the duties of his office under that Act, that provision shall not operate to disqualify him from holding that office and also the office of a member of the Authority. Provisions requiring devotion of whole of time to other duties.

3—(1) Subject to subclause (2), a member of the Authority is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister and the City may from time to time jointly determine, and the payment of any such remuneration shall be made out of the funds of the Authority. Remuneration.

(2) A member of the Authority who is—

(a) a Head of an Agency, or an employee, within the meaning of the *Tasmanian State Service Act 1984*;

or

(b) otherwise holding, or acting in, an office—

(i) under that Act; or

(ii) in an Agency within the meaning of that Act,

is not entitled to remuneration under subclause (1), except with the approval of the Minister administering that Act.

4—The *Tasmanian State Service Act 1984* does not apply to, or in respect of, the appointment of a member of the Authority and a member of the Authority shall not, in his capacity as such a member, be subject to that Act during his term of office. Tasmanian State Service Act 1984 not to apply.

Appointment of substitute to act during absence of member of Authority.

5—(1) The Governor may—

- (a) on the joint nomination of the Minister and the City, appoint any person to act in the office of the member of the Authority referred to in section 5 (1) (a);
- (b) on the nomination of the Minister, appoint any person to act in the office of a member of the Authority referred to in section 5 (1) (b); and
- (c) on the nomination of the City, appoint any person to act in the office of a member of the Authority referred to in section 5 (1) (c),

while the holder of such an office is absent from his office through illness or any other cause, and that person, while acting in such an office, shall be deemed to be a member of the Authority with all the powers, rights, and functions of the holder of that office.

(2) A member of the Authority shall, for the purposes of subclause (1), be deemed to be absent from his office if there is a vacancy in that office which has not been filled in accordance with clause 6.

(3) A person shall not be concerned to inquire whether or not any occasion has arisen requiring or authorizing a person to act in the office of a member of the Authority, and all things done or omitted to be done by that person while so acting shall be as valid, and shall have the same consequences, as if they had been done or omitted to be done by that member.

Filling of vacancies.

6—On the occurrence of a vacancy in the office of a member of the Authority, the Governor may appoint a person to the vacant office for the residue of his predecessor's term of office and the person appointed shall, in the case of the occurrence of a vacancy in the office of a member of the Authority—

- (a) referred to in section 5 (1) (a), be a person jointly nominated by the Minister and the City;
- (b) referred to in section 5 (1) (b), be a person nominated by the Minister; and
- (c) referred to in section 5 (1) (c), be a person nominated by the City.

7—(1) A member of the Authority shall be deemed to have vacated his office—
Vacation of office.

- (a) when he dies;
- (b) if he becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors, or makes an assignment of his remuneration or estate for their benefit;
- (c) if he is absent from 3 consecutive ordinary meetings of the Authority of which reasonable notice has been given to him, either personally or in the ordinary course of post, unless—
 - (i) on leave granted by the Minister; or
 - (ii) before the expiration of 21 days after the last of those meetings, he is excused by the Minister for his absence from those meetings;
- (d) if he is convicted in Tasmania of a crime or an offence which is punishable by imprisonment for a period of not less than 12 months, or if he is convicted outside Tasmania of an offence which, if committed in Tasmania, would be a crime or an offence so punishable;
- (e) if he resigns his office by writing under his hand addressed to the Governor and the Governor accepts the resignation; or
- (f) if he is removed from office by the Governor under subclause (2).

(2) Subject to subclauses (3) and (4), the Governor may remove from office a member of the Authority if the Governor is satisfied that the member—

- (a) has participated in, or has claimed to be entitled to participate in, the profit of, or any benefit arising from, any contract, agreement, or arrangement made by or on behalf of the Authority, other than a contract, agreement, or arrangement for a service ordinarily supplied by the Authority, on the same terms as that service is supplied to other persons in the same situation;

- (b) has voted at any meeting of the Authority in respect of any matter in which he was at that time interested (otherwise than as a member of the public or as an elector of, or ratepayer to, any municipality, or as a shareholder in a company in which there were at that time more than 20 members and of which he was not at that time a director or officer); or
- (c) is unable to perform adequately the functions of his office.

(3) The member of the Authority referred to in section 5 (1) (a) shall not be removed from office otherwise than on the joint recommendation of the Minister and the City.

(4) A member of the Authority referred to in section 5 (1) (c) shall not be removed from office otherwise than on the recommendation of the City.

Validity of proceedings, &c.

8—(1) No act or proceeding of the Authority or of any person acting pursuant to any direction of the Authority is invalidated or prejudiced by reason only of the fact that, at the time when the act or proceeding was done, taken, or commenced, there was a vacancy in the membership of the Authority.

(2) All acts and proceedings of the Authority or of any person acting pursuant to any direction of the Authority are, notwithstanding the subsequent discovery of any defect in the appointment of any member of the Authority or that any person was disqualified from acting as, or incapable of being, a member of the Authority, as valid as if the member had been duly appointed and was qualified to act, or capable of being, a member, and as if the Authority had been fully constituted.

(3) Where a member of the Authority, or any person acting pursuant to any direction of the Authority, does or purports to do, or omits or purports to omit to do, any act or thing in good faith for the purpose of administering or executing this Act, he shall not be personally subjected to any action, liability, claim, or demand in respect of that act or omission.

Presumptions.

9—In any proceedings by or against the Authority, unless evidence is given to the contrary, no proof shall be required of—

- (a) the constitution of the Authority;
- (b) any resolution of the Authority;
- (c) the appointment of any member of the Authority; or
- (d) the presence of a quorum at any meeting of the Authority.

SCHEDULE 3

Section 5

PROVISIONS WITH RESPECT TO MEETINGS OF THE AUTHORITY

1—Meetings of the Authority may be convened by the chairman of the Authority or by any 3 members of the Authority. Convening of meetings of the Authority.

2—(1) Three members of the Authority shall form a quorum at any duly convened meeting of the Authority. Procedure at meetings.

(2) Any duly convened meeting of the Authority at which a quorum is present shall be competent to transact any business of the Authority.

(3) Questions arising at a meeting of the Authority shall be determined by a majority of votes of the members of the Authority present and voting.

3—(1) The chairman of the Authority shall preside at all meetings of the Authority at which he is present. Chairmanship of meetings.

(2) If the chairman of the Authority is not present at a meeting of the Authority, a member of the Authority elected by the members present shall preside at that meeting, notwithstanding the presence at that meeting of a person acting, in pursuance of an appointment under clause 5 (1) of Schedule 2, in the office of the member of the Authority held by the chairman.

4—(1) A member of the Authority who has a direct or indirect pecuniary interest in a matter being considered or about to be considered by the Authority shall, as soon as possible after the relevant facts have come to his knowledge, disclose the nature of his interest at a meeting of the Authority. Disclosure of interests.

(2) A disclosure under subclause (1) shall be recorded in the minutes of the meeting of the Authority and the member shall not, unless the Authority otherwise determines—

(a) be present during any deliberation of the Authority with respect to that matter; or

(b) take part in any decision of the Authority with respect to that matter.

(3) For the purpose of making a determination by the Authority under subclause (2) in relation to a member who has made a disclosure under subclause (1), a member who has a direct or indirect pecuniary interest in the matter to which the disclosure relates shall not take part in the making by the Authority of the determination.

General
procedure.

5—The procedure for the calling of, and for the conduct of business at, meetings of the Authority shall, subject to any procedure that is specified in this Schedule, be as determined by the Authority.

SCHEDULE 4

Section 11

PROVISIONS WITH RESPECT TO THE APPOINTMENT, AND THE
TERMS AND CONDITIONS OF EMPLOYMENT, OF EMPLOYEES OF
THE AUTHORITY

1—(1) Subject to subclause (2), a person who has attained the age of 65 years shall not be appointed as an employee, and an employee who attains that age shall cease to be so employed.

Age of employees.

(2) Subclause (1) does not prevent the employment by the Authority of a person who has attained the age of 65 years in a temporary capacity in any case where the Authority is satisfied that he has special qualifications and experience for his duties.

2—(1) An employee shall perform such functions as the Authority may from time to time determine.

Functions of employees.

(2) Where an employee does or purports to do, or omits or purports to omit to do, any act or thing in good faith for the purpose of administering or executing this Act, he shall not be personally subjected to any action, liability, claim, or demand in respect of that act or omission.

3—Subject to the provisions of this Schedule, the terms and conditions of employment (including remuneration, allowances, and leave) of employees shall, subject to any award or industrial agreement relating to persons engaged in the work for which they are appointed and employed, be as determined by the Authority.

General terms and conditions of employment.

4—An employee, in his capacity as an employee of the Authority, is not subject to the provisions of the *Tasmanian State Service Act 1984*.

Employees not subject to *Tasmanian State Service Act 1984*.

