



TASMANIAN ARTS ADVISORY BOARD

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 No. 18 of 1975
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ANALYSIS

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AN ACT for the encouragement and promotion of the arts.

[15 May 1975]

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—(1) This Act may be cited as the *Tasmanian Arts Advisory Board Act 1975*. Short title, repeal, and commencement.

(2) The *Tasmanian Theatre and Performing Arts Council Act 1973* is repealed.

(3) This Act shall commence on a date to be fixed by proclamation.

Establishment
and functions
of Board.

2—(1) There shall be established a board to be called the Tasmanian Arts Advisory Board; and that board is in this Act referred to as the Board.

(2) It shall be the duty of the Board to advise the Minister on all matters relating to the formulation, development, and implementation of policies for the promotion of the arts, and the co-ordination of the activities of organizations and individuals concerned therewith.

(3) For the purposes of this Act, the arts shall be taken to include the visual and performing arts, literature, and crafts, and anything done—

(a) for the encouragement, development, or improvement of the knowledge, understanding, and practice of any of the arts;
or

(b) for the provision of opportunities for the practice or enjoyment of any of the arts,

shall be deemed to have been done in the promotion of the arts.

(4) The Board may take such action as it thinks fit to coordinate the activities of the organizations and individuals mentioned in subsection (2).

(5) Without prejudice to the generality of the provisions of subsection (2), the Board shall—

(a) consider any matter referred to it by the Minister and make a report thereon to him with such recommendations as it may consider appropriate in the circumstances; and

(b) advise the Minister with respect to the provision of financial assistance to organizations or individuals mentioned in that subsection.

(6) The Minister may make arrangements to render available to the Board such accommodation and assistance as it may require.

Financial
assistance for
the promotion
of the arts.

3—(1) In accordance with this section the Minister may, for the purpose of the promotion of the arts, render to any person or organization recommended by the Board financial assistance of such nature and on such terms and conditions as may be considered suitable in the circumstances.

(2) Without prejudice to the generality of the provisions of subsection (1) the financial assistance referred to therein may take the form of—

- (a) grants or subsidies;
- (b) loans;
- (c) payments to meet in whole or in part the losses incurred in the carrying out of any operation or activity; or
- (d) scholarships.

(3) A loan shall not be made under this section to an organization that is not a body corporate.

(4) The powers conferred on the Minister by this section to render financial assistance to any person shall be deemed to include power to enter into and carry out, on behalf of the Crown, an agreement for the commissioning of any work to be carried out by that person, or for the purchase or acquisition of any such work or of any rights with respect thereto, and, on behalf of the Crown, to deal with any property, or exercise any rights, vested in the Crown pursuant to any such agreement.

(5) A loan under this Act shall be at such rate of interest as the Treasurer may approve but, subject thereto, shall be on such security and on such terms and conditions with respect to repayment and otherwise as the Minister, on the recommendation of the Board, determines.

4—(1) Moneys required for the making of loans under this Act shall, as may be provided by Parliament, be issued out of the Loan Fund, and any moneys received by way of repayment of any such loan, or of payment of interest thereon, shall be paid to the Treasurer and dealt with as if the loan were an advance made by him out of that Fund. Expenses of Act.

(2) Subject to subsection (1), the expenses of the Minister and the Board under this Act shall, as may be provided by Parliament, be defrayed out of the Consolidated Revenue.

5—(1) The Board shall consist of a chairman and not less than 7 nor more than 12 other members appointed by the Minister. Constitution of the Board.

(2) The chairman and each other member of the Board holds and vacates office under the terms of the instrument under which he is appointed; but he may resign office by notice in writing to the Minister.

(3) A member of the Board, other than the chairman, shall not be appointed for a term of office of less than one, nor more than four, years.

(4) Notwithstanding anything in this section a person who has held office as a member of the Board for a continuous period of five years ceases at the expiration of that period to hold office unless he is then chairman of the Board.

(5) Where a person having held office as a member of the Board for a continuous period of not less than five years ceases to be a member of the Board he shall not be re-appointed a member of the Board, otherwise than as chairman thereof, within one year of his so ceasing to hold office.

(6) Where a person ceases to hold office as a member of the Board and within 12 months of so ceasing is again appointed a member of the Board the period between his so ceasing and his again being appointed shall, for the purposes of subsections (4) and (5), be deemed to be a period during which he held office as a member of the Board.

(7) The members of the Board are not, as such, subject to the *Public Service Act 1973*, but an officer of the Public Service may hold office as a member of the Board in conjunction with his office as an officer of the Public Service.

Proceedings of
the Board.

6—(1) The chairman of the Board or, if he is absent or if there is no chairman, such one of the members present as those members may choose, shall preside at each meeting of the Board.

(2) Five members constitute a quorum at any meeting of the Board.

(3) The chairman or other member presiding at a meeting of the Board has a deliberative vote only, and in the event of an equality of votes on any question before a meeting of the Board, that question shall be deemed to be decided in the negative.

(4) Subject to this Act, the Board may regulate its own proceedings.

Remuneration
and allowances
of members.

7 The chairman of the Board shall be paid such remuneration and allowances as the Governor may approve, and the other members of the Board shall be paid such allowances in respect of the expenses incurred by them in the execution of their duties as may be so approved.

8—(1) The Minister may appoint an executive officer to the Board and may define his duties, and may pay to the person so appointed such remuneration and allowances as the Governor may determine. Executive officer.

(2) The *Public Service Act* 1973 does not apply to the office of executive officer.

(3) The executive officer shall be regarded as being employed by the State for the purposes of the *Superannuation Act* 1938, the *Retirement Benefits Act* 1970, and the *State Employees (Long-Service Leave) Act* 1950, and, for the purposes of the last-named Act, the Governor is the prescribed authority in his case.

9 The accounts of the Board shall be subject to the provisions of the *Audit Act* 1918. Audit.

10 Nothing in this Act shall be taken to prejudice or affect the exercise by any authority or body of the functions conferred on it by any enactment. Saving for functions under other Acts.

11 The Governor may make regulations for the purposes of this Act. Regulations.

12—(1) Notwithstanding anything in this Act, until the commencement thereof— Transitional provisions.

- (a) the chairman of the Tasmanian Theatre and Performing Arts Council shall be deemed to be chairman of the Board; and
- (b) the secretary of that Council shall be deemed to be the executive officer of the Board.

(2) On the commencement of this Act—

- (a) the person who immediately before that commencement was chairman of the Tasmanian Theatre and Performing Arts Council shall be deemed to be appointed under this Act chairman of the Board for the period that would have been the remainder of his term of office as chairman of that Council if this Act had not been enacted; and
- (b) the person who immediately before that commencement was secretary of that Council shall be deemed to have been appointed executive officer of the Board.