

Queen Victoria Women's Centre Bill

No.

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SCHEDULE 1

By Authority L. V. North, Government Printer Melbourne

LEGISLATIVE ASSEMBLY

Read 1° 9 November 1994

(Brought in by Mrs Wade and Mr McNamara)

A BILL

to establish the Queen Victoria Women's Centre Trust to own and manage a women's centre and for other purposes.

Queen Victoria Women's Centre Act 1994

The Parliament of Victoria enacts as follows:

PART 1—PRELIMINARY

1. Purposes

The purposes of this Act are—

- (a) to establish the Queen Victoria Women's Centre Trust;
- (b) to provide for the management, operation and use of the Queen Victoria Women's Centre;
- (c) to provide for the ownership of the Queen Victoria Women's Centre land.

Section headings appear in bold italics and are not part of the Act.
(See *Interpretation of Legislation Act 1984*.)

2. Commencement

- (1) Section 1 and this section come into operation on the day on which this Act receives the Royal Assent.
- (2) Subject to sub-section (3), the remaining provisions of this Act come into operation on a day or days to be proclaimed. 5
- (3) If a provision referred to in sub-section (2) does not come into operation within the period of 12 months beginning on, and including, the day on which this Act receives the Royal Assent, it comes into operation on the first day after the end of that period. 10

3. Definitions

In this Act—

“**Centre**” means the facility provided by the Trust on the Queen Victoria Women’s Centre land; 15

“**member**” means a member of the Trust and includes an acting member;

“**Queen Victoria Women’s Centre land**” means the land shown hatched on the plan set out in Schedule 1; 20

“**Trust**” means the Queen Victoria Women’s Centre Trust established by this Act.

PART 2—QUEEN VICTORIA WOMEN’S CENTRE TRUST

4. Establishment of Trust

- (1) There is established a trust to be known as the Queen Victoria Women’s Centre Trust. 25
- (2) The Trust—
 - (a) is a body corporate with perpetual succession;
 - (b) has a common seal;
 - (c) may sue and be sued in its corporate name; 30
 - (d) subject to this Act, may acquire, hold and dispose of real and personal property;

(e) may do and suffer all acts and things that a body corporate may by law do and suffer.

5 (3) The common seal of the Trust must be kept as directed by the Trust and must only be used as authorised by the Trust.

(4) All courts, judges and persons acting judicially must take judicial notice of the common seal of the Trust on a document and, until the contrary is proved, must presume that it was duly affixed.

10 **5. Functions**

The functions of the Trust are—

15 (a) to manage the Queen Victoria Women's Centre land and to use it for the purposes of a facility to be known as the Queen Victoria Women's Centre;

(b) to provide for the management, operation, use and promotion of the Centre;

20 (c) to provide for the efficient financial management of the Queen Victoria Women's Centre land and the Centre;

(d) to seek funding for the Centre;

25 (e) to provide on the Queen Victoria Women's Centre land services and facilities for women including health information services, rest and meeting rooms and other services and facilities;

(f) to provide information in relation to the services and facilities provided at the Centre;

(g) any other functions that are conferred on the Trust by this Act.

30 **6. Powers**

(1) The Trust has power to do all things necessary or convenient to be done for or in connection with the performance of its functions.

Queen Victoria Women's Centre

- (2) For the purpose of performing its functions, the Trust, in addition to other powers conferred on it by this Act—
- (a) may, subject to this Act, carry out works on the Queen Victoria Women's Centre land; 5
 - (b) may carry on advertising and promotional activities;
 - (c) may employ or engage staff or consultants;
 - (d) may provide advisory services;
 - (e) may enter into contracts, agreements or arrangements with any person or body for the purposes of its functions; 10
 - (f) subject to section 15, may enter into leases, licences or permits for the use of any part of the Queen Victoria Women's Centre land; 15
 - (g) may charge fees for use of the Centre or any of its services or for entry to any part of the Queen Victoria Women's Centre land;
 - (h) may accept gifts, grants, bequests and devises.

7. *Members of the Trust* 20

The Trust consists of 12 members appointed by the Governor in Council on the recommendation of the Minister, of whom not more than 4 shall be persons selected from a panel of 8 names submitted to the Minister by— 25

- (a) Queen Vic. Women's Centre Inc.; or
- (b) if that body ceases to exist, a body that, in the opinion of the Minister, is the successor of Queen Vic. Women's Centre Inc. or, if, in the opinion of the Minister there is no such successor, a body that, in the opinion of the Minister, is a body whose main purpose is to benefit the women of Victoria. 30

8. *Terms and conditions of appointment*

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- (1) A member of the Trust is appointed for the term, not exceeding 4 years, specified in the instrument of appointment, but is eligible for re-appointment.
- (2) A member of the Trust is entitled to be paid the remuneration or travelling or other allowances fixed from time to time by the Governor in Council.
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- (3) The **Public Sector Management Act 1992** (except Part 9 or in accordance with Part 8) does not apply to a member of the Trust in respect of the office of member.
- (4) A member is appointed subject to any other terms and conditions that are specified in the instrument of appointment.

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9. *Chairperson*

- (1) The Minister must appoint one of the members as chairperson of the Trust.
- (2) The chairperson may resign that office in writing delivered to the Minister.

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10. *Vacancies, resignations, removal from office*

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- (1) The office of a member becomes vacant if the member—
- (a) becomes bankrupt; or
- (b) is convicted of an indictable offence or of an offence which, if committed in Victoria, would be an indictable offence; or
- (c) is absent from 3 consecutive meetings of the Trust without the prior leave of the Trust.
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- (2) A member may resign by notice in writing delivered to the Minister.
- (3) The Governor in Council, on the recommendation of the Minister, may remove a member, or all members, from office.

11. *Temporary vacancies*

- (1) If the office of a member of the Trust is vacant or a member of the Trust is unable, whether because of illness or otherwise, to perform the duties of office of member, the Governor in Council may appoint a person to act as a member while the office is vacant or during that period of inability. 5
- (2) A person appointed to act as a member of the Trust has, while so acting, the rights, powers and duties of the member for whom the person is acting. 10
- (3) A person appointed to act as a member is entitled to receive the remuneration or travelling or other allowances fixed for that member by the Governor in Council.

12. *Trust may act despite vacancy etc.* 15

An act or decision of the Trust is not invalid only because of—

- (a) a defect or irregularity in or in connection with the appointment of a member; or
- (b) a vacancy in the office of member; or 20
- (c) in the case of an acting member, the occasion for the member acting has not arisen or has ceased.

13. *Pecuniary interest of members*

- (1) A member who has a direct or indirect pecuniary interest in a matter being considered or about to be considered by the Trust must, as soon as practicable after the relevant facts have come to the knowledge of the member, declare the nature of the interest at a meeting of the Trust. 25
- (2) A person presiding at a meeting at which a declaration is made must cause a record of the declaration to be made in the minutes of the meeting. 30

- (3) After a declaration is made by a member—
- (a) unless the Trust otherwise directs, the member must not be present during any deliberation with respect to that matter; and
 - (b) the member is not entitled to vote on the matter; and
 - (c) if the member does vote on the matter, the vote must be disallowed.

14. Meetings

- (1) The chairperson of the Trust, or in the absence of the chairperson, a member appointed by the members present, must preside at a meeting of the Trust.
- (2) A question must not be determined at a meeting of the Trust unless a quorum consisting of a majority of its current membership is present.
- (3) A question arising at a meeting of the Trust shall be determined by a majority of the members present and voting on that question and, in the event of an equality of votes, the person presiding at the meeting shall have a second or casting vote.
- (4) The Trust must meet at the times and places determined by it or, in the absence of a determination by the Trust, by the chairperson of the Trust.

PART 3—LAND

15. Vesting of Crown land in Trust

- (1) The Queen Victoria Women's Centre land vests in fee simple in the Trust, subject to the conditions, covenants, encumbrances, caveats, limitations, exceptions, reservations and restrictions to which the land was subject immediately before its vesting under this sub-section.
- (2) The Trust must not, without the consent in writing of the Minister—

- (a) sell, mortgage or otherwise dispose of the Queen Victoria Women's Centre land or any part of it, except for a lease not exceeding 5 years; or
- (b) grant a lease of the land or any part of it for a term exceeding 5 years; or
- (c) use, or permit to be used, the land or any part of it otherwise than for the purposes of the Trust.

PART 4—FINANCIAL

16. *Bank accounts*

The Trust may open and maintain one or more accounts in the name of the Trust with any bank or banks within the meaning of the Banking Act 1959 of the Commonwealth or a bank constituted by a law of a State or the Commonwealth.

17. *Borrowing, investment and other financial powers*

The Trust has the powers conferred on it by the **Borrowing and Investment Powers Act 1987**.

18. *Business plan*

- (1) The Trust must prepare a business plan each year.
- (2) The Trust must give a copy of the proposed plan to the Minister on or before such date in each year as is determined by the Minister.
- (3) The proposed business plan must be in or to the effect of a form approved by the Minister and must include—
 - (a) a statement of corporate intent, being information about the objectives, main undertakings, activities, accounting policies and performance measures of the Trust;
 - (b) financial statements containing information requested by the Minister;
 - (c) any other matters that the Minister directs.

19. Trust to act in accordance with business plan

5 The Trust must act only in accordance with its business plan, as existing from time to time, unless it has first informed the Minister in writing of its intention to do otherwise.

20. Financial Management Act

10 The Trust is a public statutory authority within the meaning of paragraph (a) of the definition of "public body" in section 3 of the **Financial Management Act 1994**.

21. Appointment of administrator

- 15 (1) If it appears to the Minister that the Trust is unlikely to be able to pay its debts as they fall due, the Minister may by instrument appoint an administrator to carry out the functions of the Trust.
- (2) An administrator is appointed on the terms and conditions determined by the Minister.
- (3) An administrator—
- 20 (a) assumes full control of and responsibility for the operations of the Trust; and
- (b) must conduct the operations of the Trust in accordance with this Act.

22. Winding up

- 25 (1) The Trust may be wound up if the Minister determines that the Trust is unable to pay its debts as they fall due.
- (2) Subject to this Act, the provisions of the **Corporations Law** relating to the winding up of corporations apply, so far as they are applicable and with such modifications (if any) as are prescribed, to and in relation to the winding up of the Trust.
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23. *Reversion of land to the Crown*

On the winding up of the Trust, the Queen Victoria Women’s Centre land is divested from the Trust and vests in the Crown.

PART 5—MISCELLANEOUS

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24. *Registrar-General and Registrar of Titles to make necessary amendments to records*

(1) The Registrar-General must make all entries on the records of enrolment of any Crown grant and on any memorial relating to land that are necessary because of the operation of any provision of this Act.

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(2) The Registrar of Titles must make any amendments to the Register under the **Transfer of Land Act 1958** that are necessary because of the operation of any provision of this Act.

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25. *Regulations*

The Governor in Council may make regulations for or with respect to any matter or thing required or permitted by this Act to be prescribed or necessary to be prescribed to give effect to this Act.

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26. *Amendment of Borrowing and Investment Powers Act 1987*

At the end of Schedule 1 to the **Borrowing and Investment Powers Act 1987** insert—

“33. *Queen Victoria Women’s Centre Trust* 5, 20, 20A, 21”.

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SCHEDULE 1



