

# Arts Legislation (Amendment) Bill

## Circulation Print

### EXPLANATORY MEMORANDUM

- Clause 1 sets out the purposes of the Bill.
- Clause 2 is the commencement clause. The Act commences on 1 July 2000.
- Clause 3 divides the **Victorian Arts Centre Act 1979** into Parts. A new Part 3 is inserted by clause 16 and a new Part 5 is inserted by clause 19.
- Clause 4 inserts a new definition of "Centre", comprising the land in respect of which control and management is vested in the Victorian Arts Centre Trust ("the Trust") by the operation of the new Part 5 and the land in Crown grant Volume 9205 Folio 760 which is not affected by Part 5 and buildings on that land. It also defines "performing arts material" and repeals 3 definitions which are now redundant.
- Clause 5 inserts a new section into the Victorian Arts Centre Act providing for the inclusion of certain performing arts material which has been donated, vested in or acquired by the Trust in the State collection.
- Clause 6 substitutes a new section 5 which specifies the functions of the Trust. Some functions have been amended to reflect the amendments relating to land management and the inclusion of performing arts material in the State collection. In carrying out its functions the Trust is to endeavour to contribute to the enrichment of the cultural, educational, social and economic life of the people of Victoria.
- Clause 7 amends the current section 6 to allow the Trust to grant leases and licences (subject to the requirements in the Act) and enter into agreements regarding the Centre or any other land of the Trust, removes the requirement of Ministerial consent for the

Trust to be a member of or form a body corporate, association, partnership, trust or other body or to enter into a joint venture with other persons. It also makes other minor amendments to section 6 consequential on the amendments in the Bill.

- Clause 8 removes gender specific language in the Victorian Arts Centre Act, replaces redundant references to "Chairman" with the current title, "President" and removes the stipulation that a Trust member ceases to be a Trust member if that person ceases to be a member of the Council of Trustees of the National Gallery of Victoria ("the Council").
- Clause 9 removes gender specific language and replaces redundant references to "Chairman" with "President".
- Clause 10 removes gender specific language and replaces redundant references to "Chairman" with "President". It also removes references to the Deputy Chairman as that position is being abolished. In the President's absence, a member chosen by the other members shall preside.
- Clause 11 inserts new sections 11A and 11B into the Victorian Arts Centre Act. New section 11A provides for a process whereby resolutions may be passed by the Trust without a meeting of the Trust members. New section 11B provides a process for members to declare conflicts of interest in a matter being deliberated by the Trust.
- Clause 12 removes the requirement that travelling expenses and fees for members be prescribed by regulation and allows the Governor in Council to fix these expenses and fees.
- Clause 13 allows the Trust to establish any necessary sub-committees.
- Clause 14 allows the Trust to delegate any of its functions or powers (other than the power to delegate or to make by-laws) to a sub-committee, a Trust member, the chief executive officer or employees of the Trust.
- Clause 15 provides for the replacement of the position of general manager with the position of chief executive officer and inserts a transitional provision to allow the current general manager to remain in office as chief executive officer for the remainder of his or her term of office as general manager.

- Clause 16 inserts a new Part 3 into the Victorian Arts Centre Act to allow the Trust to grant leases (not exceeding 30 years) and licences (not exceeding 7 years) over the Centre. A lease or licence must not be inconsistent with the purposes for which the land is reserved.
- Clause 17 specifies the process and responsibilities of the Trust with respect to the sale, disposal or exchange of an object in the State collection.
- Clause 18 amends section 18A of the Victorian Arts Centre Act to allow the Trust to make by-laws with respect to the land under the management of the Trust as specified by the definition of "Centre" (inserted by clause 4).
- Clause 19 inserts a new Part 5 into the Victorian Arts Centre Act providing for the revocation of the Crown grant on which the National Gallery of Victoria and part of the Arts Centre are situated and vests control and management of that land in the Council and the Trust respectively.

New section 20 sets out the definitions applying in Part 5. "Arts Centre land" is the site contained in the Crown grant and the "lodged plan" is the plan in the Central Plan Office which shows the division of the land into Parcel A over which the Trust will have control and management and Parcel B which is the land over which the Council will have control and management.

New section 21 revokes the Crown grant over the Arts Centre land (as defined). Subject to sections 22 to 24, that land becomes unalienated Crown land.

New section 22 preserves the permanent reservation of the Arts Centre land for the purposes of a National Art Gallery and Cultural Centre, preserves the perpetual licence granted to the Trust under the **Melbourne (Snowden Gardens) Land Act 1975** and preserves the status of the proclamation made under the **Melbourne (St Kilda Road Underpass) Lands Act 1969** and the maintenance and use of that land in accordance with that proclamation.

New section 23 preserves any lease relating to the Arts Centre land between the Trust and Citipower Pty.

New section 24 vests the control and management of the land shown as Parcel A on the lodged plan in the Trust and the land shown as Parcel B on the lodged plan in the Council to reflect the land they each occupy.

New section 25 requires the Registrar of Titles to make the necessary amendments to the Register of Titles under the **Transfer of Land Act 1958** to reflect the changes made in respect of the land by the Bill.

- Clause 20 inserts a definition into section 4 of the **National Gallery of Victoria Act 1966** which defines the land to be managed by the Council as the "National Gallery land".
- Clause 21 amends section 4A of the **National Gallery of Victoria Act 1966** to provide that the Gallery may operate from the National Gallery land and any other place that the Minister may specify by notice published in the Government Gazette.
- Clause 22 amends the functions of the Council to reflect the new land management functions conferred as a result of the amendments made under the new Part 5 of the **Victorian Arts Centre Act 1979**.
- Clause 23 inserts section 13A into the **National Gallery of Victoria Act 1966** which sets out powers of the Council relating to its new functions.
- Clause 24 provides that the National Gallery land is not part of any property which the Gallery may dispose of by virtue of section 14 of the National Gallery of Victoria Act.
- Clause 25 inserts a new Division 2A into Part II of the **National Gallery of Victoria Act 1966** to allow the Council to grant leases (not exceeding 30 years) and licences (not exceeding 7 years) over the National Gallery land. A lease or licence must not be inconsistent with the purposes for which the land is reserved.