

**NEW SOUTH WALES STATE CONSERVATORIUM
OF MUSIC ACT.**

Act No. 5, 1965.

An Act to make provision with respect to the administration of the New South Wales State Conservatorium of Music; and for purposes connected therewith. [Assented to, 1st October, 1965.]

Elizabeth II,
No. 5, 1965

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the "New South Wales State Conservatorium of Music Act, 1965."

Short title
and com-
mencement.

(2)

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No. 5, 1965 (2) Except as provided in subsection three of this section this Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

(3) For the purposes only of the nomination, election or appointment of members of the Board and the Director the provisions of this Act relating to such nomination, election or appointment shall commence upon the day upon which Her Majesty's assent to this Act is signified and such members and Director shall assume office upon the day appointed and notified under subsection two of this section.

Definitions. 2. In this Act, unless the context or subject matter otherwise indicates or requires—

“Board” means the Board of Governors of the Conservatorium.

“By-laws” means by-laws under this Act.

“Conservatorium” means the New South Wales State Conservatorium of Music.

“Director” means Director of the Conservatorium.

“Member” means member of the Board.

“Prescribed” means prescribed by this Act or the by-laws.

Board of Governors. 3. (1) There shall be a Board of Governors of the Conservatorium.

(2) The Board shall be a body corporate, with perpetual succession and a common seal, and may sue and be sued in its corporate name, and shall for the purposes and subject to the provisions of this Act, be capable of purchasing, holding, granting, demising, disposing of or otherwise dealing with real and personal property, and of doing and suffering all such acts and things as bodies corporate may by law do and suffer :

Provided that the Board shall not, except with the approval of the Governor, alienate, mortgage, charge or demise any real property.

(3) The corporate name of the Board shall be “The Board of Governors of the New South Wales State Conservatorium of Music”.

4. (1) The Board shall consist of ten members.

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(2) Of such members—

**Members of
the Board.**

(a) the Director or the person for the time being acting as the Director shall be ex officio a member;

(b) nine shall be appointed by the Governor.

Of the members referred to in paragraph (b) of this subsection—

(i) eight shall be nominated by the Minister;

(ii) one shall be a person elected by the Director and the eight members nominated by the Minister.

(3) The members other than the Director shall subject to this Act hold office for a period of four years.

(4) Where a casual vacancy occurs in the office of a member the Governor may appoint a person to the vacant office. Such person shall be appointed on the like nomination or election, as the case may be, as that of the member whose office has become vacant and shall hold office for the residue of his predecessor's term of office.

(5) The provisions of the Public Service Act, 1902, or any Act amending that Act, shall not apply to the appointment of any member, and a member shall not, as a member, be subject to the provisions of any such Act.

5. A member shall be deemed to have vacated his office if he—

**Vacancies—
how caused.**

(a) dies;

(b) resigns his office by writing under his hand addressed to the Governor;

(c) becomes bankrupt, compounds with his creditors or makes any assignment of his salary or estate for their benefit;

(d) becomes a mentally ill person, a protected person, or an incapable person, within the meaning of the Mental Health Act, 1958, as amended by subsequent Acts;

(e)

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(e) is absent from three consecutive ordinary meetings of the Board of which reasonable notice has been given to him personally or in the ordinary course of post and is not before the expiration of six weeks after the last of such meetings excused by the Board for his absence from such meetings;

(f) is removed from office by the Governor.

The Governor may for any cause which appears to him sufficient remove any member from office.

Chairman. 6. (1) (a) The chairman of the Board shall be such member as the Governor may appoint.

(b) The members shall elect from amongst their number a deputy-chairman of the Board. The deputy-chairman shall hold office as such for such period (not exceeding the term for which he has been appointed as a member) as the Board at the time of such election determines.

When the office of deputy-chairman becomes vacant before the expiration of his term of office as deputy-chairman, a successor shall be elected to fill the vacancy by the members from amongst their number. Such successor shall hold office as deputy-chairman, from the date of his election and for the residue of his predecessor's term of office as deputy-chairman.

(2) At a meeting of the Board the chairman, or in his absence the deputy-chairman, shall preside, but if the chairman and deputy-chairman are both absent, the members present shall elect a person from amongst their number to preside as chairman.

Procedure,
quorum,
etc.

7. (1) The procedure for the calling of meetings of the Board and the conduct of business at such meetings shall, subject to the by-laws, be as determined by the Board.

(2) Any duly convened meeting of the Board at which a quorum is present shall be competent to transact any business of the Board and shall have and may exercise and perform all the powers, authorities, duties and functions by this Act conferred upon the Board.

(3)

(3) Any four members shall be a quorum for the purposes of any meeting of the Board. No. 5, 1965

(4) Where the voting at any meeting of the Board is equal the chairman at such meeting shall, in addition to having a deliberative vote, have a casting vote.

8. (1) No act or proceeding of the Board shall be invalidated or prejudiced by reason only of the fact that at the time when such act or proceeding was done, taken or commenced there was a vacancy in the office of any member. Validity of proceedings, etc.

(2) All acts and proceedings of the Board shall, notwithstanding the subsequent discovery of any defect in the appointment, nomination or election of any member thereof, or that any member was disqualified from acting or incapable of being a member, be as valid as if such member had been duly appointed, nominated or elected and was qualified to act as, or capable of being, a member and had acted as a member of the Board, and as if the Board had been properly and fully constituted.

9. Nothing contained in this Act shall prevent any person from being immediately or at any time re-appointed or re-elected as a member or to any office under this Act if he is not otherwise at that time disqualified from being such a member or holding such office. Re-appointment or re-election.

10. (1) The common seal of the Board shall be kept in such custody as the Board directs, and shall not be used except upon a resolution of the Board. Common seal.

(2) All courts, judges and persons acting judicially shall take judicial notice of the common seal of the Board affixed to any document, and shall, unless the contrary be proved, presume that it was duly affixed.

11.

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Officers and
employees.

11. (1) The Governor may, under and subject to the provisions of the Public Service Act, 1902, as amended by subsequent Acts, appoint and employ a Director of the Conservatorium and such other officers and employees, not being teachers, musicians and other persons of the classes to which subsection four of this section applies, as may be necessary for the purposes of this Act.

(2) The Director and other officers and employees so employed shall be subject to the provisions of the Public Service Act, 1902, and any Act amending that Act, during the tenure of their office or employment.

(3) The Director shall be the chief executive officer of the Board.

(4) This subsection shall apply to such classes of teachers, musicians and other persons necessary for the furtherance of the objects of the Conservatorium as the Public Service Board and the Board by arrangement determine.

The Board may appoint and employ, upon such terms and conditions as the Public Service Board may approve, teachers, musicians and other persons of the classes to which this subsection applies.

Objects and
functions
of Board.

12. The Board shall have the following objects and may exercise and perform any or all of the following powers, authorities, duties and functions, that is to say—

- (a) the administration, care, control, management and maintenance of the Conservatorium and subject to any agreement referred to in paragraph (b) of this section of all books, manuscripts, instruments, chattels and property contained in the Conservatorium or branches thereof;
- (b) the establishment, maintenance and control either alone, or by agreement approved by the Governor with any other person or body, of branches of the Conservatorium within New South Wales;

(c)

- (c) ministering to the needs and demands of the community in any or all branches of music and promoting, advancing and encouraging musical appreciation, taste and achievement by—
- (i) the provision of facilities for the teaching and study in the various branches of music and for advanced education and training in instrumental, vocal and academic studies in music;
 - (ii) illustration of the history and development of musical forms;
 - (iii) lectures, films, broadcasts, telecasts, publications, performances and other educational means;
 - (iv) research; and
 - (v) any other means which in the opinion of the Board may be necessary or desirable;
- (d) the establishment and maintenance, by examination and such other means as the Board deems to be appropriate, of standards of attainment which are recognised and reputable in the profession of music;
- (e) affiliating or co-operating with or joining any association or body which has like objects to those of the Board;
- (f) such other powers, authorities, duties and functions as may be conferred or imposed upon the Board by or under this Act.

13. (1) The Board shall have power to acquire by gift inter vivos, bequest or devise, any property for any of the purposes of this Act, and to agree to the condition of any such gift, bequest or devise. ^{Power to accept gifts, etc.}

(2) The rule of law relating to perpetuities shall not apply to any such condition to which the Board has agreed.

(3)

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(3) Nothing in the Stamp Duties Act, 1920, or in any Act amending that Act, whether passed before or after the commencement of this Act, shall apply to any real or personal property of any nature or kind whatsoever comprised in any gift inter vivos, bequest or devise made or to be made to the Conservatorium or any branch thereof or to the Board.

Annual reports.

14. The Board shall as soon as practicable, and not more than three months after the thirty-first day of December in each year, cause a report on its work and activities during the year ending on that date to be prepared and forwarded to the Minister for presentation to Parliament.

Accounts.

15. (1) The Board shall as soon as practicable, and not more than three months, after the thirtieth day of June in each year prepare and transmit to the Minister for presentation to Parliament statements of accounts in a form approved by the Auditor-General exhibiting a true and correct view of the financial position and transactions of the Board.

(2) The accounts of the Board shall be audited by the Auditor-General, who shall have, in respect thereof, all the powers conferred on the Auditor-General by any law now or hereafter in force relating to the audit of public accounts; and the Audit Act, 1902, and Acts amending the same, shall apply to the members and officers and employees of the Board in the same manner as it applies to accounting officers of public departments.

By-laws.

16. (1) The Board may make by-laws, not inconsistent with this Act, for and with respect to—

- (a) the general management and control of the Conservatorium or any branch thereof;
- (b) regulating the conduct of the proceedings of the members of the Board, including the times, places and conduct of their meetings;
- (c) the award of diplomas and certificates and testimonials and the conduct of any examinations and the recognition of qualifications as equivalent to any such examinations;

(d)

- (d) the admission (including charges therefor) or No. 5, 1965 exclusion of students or members of the public to or from the Conservatorium or any part thereof or any branch of the Conservatorium or any part of such branch;
- (e) the conditions (including charges therefor) under which any services may be granted or received; and
- (f) prescribing matters which by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed in relation to any matter within the powers, authorities, duties and functions of the Board and generally for carrying out or giving effect to this Act.

Any by-law made under this subsection with respect to any branch of the Conservatorium shall be subject to any agreement referred to in paragraph (b) of section twelve of this Act with respect to that branch.

(2) The by-laws may impose a penalty not exceeding twenty pounds for any breach thereof. Any such penalty may be recovered before a stipendiary magistrate or two justices in petty sessions.

(3) Every by-law shall be sealed with the common seal of the Board, shall be submitted for the consideration and approval of the Governor, and when so approved shall—

- (a) be published in the Gazette;
- (b) take effect from the date of publication or from a later date to be specified in the by-law.

(4) A copy of every such by-law shall be laid before each House of Parliament within fourteen sitting days after the publication thereof if Parliament is in session, and if not, then within fourteen sitting days after the commencement of the next session.

If

30 Tuberculosis Act.

No. 5, 1965 If either House of Parliament passes a resolution of which
— notice has been given at any time within fifteen sitting days
after such by-law has been laid before such House disallowing
the by-law or part thereof, such by-law or part shall thereupon
cease to have effect.
