

**CULTURAL INSTITUTIONS (MISCELLANEOUS
AMENDMENTS) ACT 1989 No. 110**

NEW SOUTH WALES



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SCHEDULE 1 - AMENDMENTS

**CULTURAL INSTITUTIONS (MISCELLANEOUS
AMENDMENTS) ACT 1989 No. 110**

NEW SOUTH WALES



Act No. 110, 1989

An Act to amend certain Acts in relation to the governing bodies of the Archives Authority, the Art Gallery Trust, the Australian Museum Trust, the Historic Houses Trust, the Library Council, the Trustees of the Museum of Applied Arts and Sciences and the Sydney Opera House Trust; and for other purposes. [Assented to 24 August 1989]

Cultural Institutions (Miscellaneous Amendments) 1989

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Cultural Institutions (Miscellaneous Amendments) Act 1989.

Commencement

2. This Act commences on a day or days to be appointed by proclamation.

Amendments

3. The Acts specified in Schedule 1 are amended as set out in that Schedule.

Savings and transitional provisions

4. (1) Subject to subsection (2), a person who, immediately before the relevant commencement, held office as a member of the governing body of a cultural institution continues to hold office as if this Act had not been enacted.

(2) Such a person's term of office extends until 31 December next following the date on which the person's term of office would otherwise expire.

(3) For the purpose of determining the number of consecutive terms for which such a person has held office, regard is to be had to any term of office that commenced before the relevant commencement as well as to any term of office that commences after that commencement.

(4) In this section:

"member of the governing body of a cultural institution" means:

- (a) a member of the Archives Authority;
- (b) a trustee of the Art Gallery Trust;
- (c) a trustee of the Australian Museum Trust;
- (d) a trustee of the Historic Houses Trust;
- (e) a member of the Library Council;

- (f) a trustee of the Museum of Applied Arts and Sciences; or
- (g) a trustee of the Sydney Opera House Trust;

"**relevant commencement**", in relation to a member of the governing body of a cultural institution, means the day on which the provisions of Schedule 1 commence in relation to the Act under which the member holds office.

SCHEDULE 1 - AMENDMENTS

(Sec. 3)

Archives Act 1960 No. 46:

- (1) Section 4 (**Members of the Authority**):
 - (a) Omit section 4 (2), insert instead:
 - (2) Of the members:
 - (a) 1 is to be nominated jointly by the President of the Legislative Council and the Speaker of the Legislative Assembly;
 - (b) 1 is to be nominated by the Chief Justice of the Supreme Court;
 - (c) 1 is to be nominated by the Premier; and
 - (d) 6 are to be nominated by the Minister.
 - (b) After section 4 (3), insert:
 - (3A) The members nominated by the Minister must include at least 1 person who has knowledge of, or experience in, tertiary education.
 - (c) From section 4 (4) (a) omit "four", insert instead "3".
 - (d) Omit section 4 (4) (b).
 - (e) After section 4 (4) (c), insert:
 - (d) A member is not to hold office for 4 consecutive terms.
 - (e) The appointment of a member, other than a member appointed under subsection (5), takes effect on 1 January of the year following that in which the appointment is made.

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(2) Section 5 (**Vacancies - how caused**):

From section 5 (f) omit "or (g)".

(3) Section 7 (**Procedure, quorum etc.**):

From section 7 (3) omit "four", insert instead "5".

Art Gallery of New South Wales Act 1980 No. 65:

Schedule 1 (Provisions relating to trustees and procedure of the Trust):

(a) Omit clause 1.

(b) After clause 4 (4), insert:

(5) The appointment of a trustee, other than a trustee appointed under subclause (4), takes effect on 1 January of the year following that in which the appointment is made.

(c) Omit clause 7 (g).

Australian Museum Trust Act 1975 No. 95:

(1) Section 6 (**Appointment and procedure**):

Omit section 6 (1), insert instead:

(1) The Trust is to consist of 9 trustees appointed by the Governor on the nomination of the Minister.

(2) Schedule 1 (**Composition and procedure of the Trust**):

(a) Omit clause 1, insert instead:

Composition

1. The trustees must include:

(a) at least 1 person who has knowledge of, or experience in, science; and

(b) at least 1 person who has knowledge of, or experience in, education.

(b) Omit clause 3, insert instead:

Term of office and casual vacancies

3. (1) A trustee is to hold office for 3 years but is, subject to subclause (2), eligible for re-appointment.

(2) A trustee is not to hold office for 4 consecutive terms.

(3) On the occurrence of a vacancy in the office of a trustee otherwise than by the expiration of the trustee's term of office, the Governor may, on the nomination of the Minister,

appoint a person to fill the vacant office for the residue of the term of office of his or her predecessor.

(4) The appointment of a trustee, other than a trustee appointed under subclause (3), takes effect on 1 January of the year following that in which the appointment is made.

- (c) Omit clause 7 (h).
- (d) Omit clause 9 (4).

Historic Houses Act 1980 No. 94:

(1) Section 6 (**Trustees and procedure of Trust**):

- (a) From section 6 (1) omit "7", insert instead "9".
- (b) From section 6 (1) omit "5", insert instead "7".

(2) Schedule 1 (**Provisions relating to trustees and procedure of the Trust**):

- (a) Omit clause 1.
- (b) From clause 3 (1) omit "4", insert instead "3".
- (c) After clause 3 (2), insert:
 - (3) A trustee is not to hold office for 4 consecutive terms.
 - (4) The appointment of a trustee, other than a trustee appointed under subclause (2), takes effect on 1 January of the year following that in which the appointment is made.
- (d) Omit clause 7 (g).
- (e) From clause 9 (3) omit "Four", insert instead "Five".

Library Act 1939 No. 40:

(1) Section 4 (**Appointment and procedure**):

Omit section 4 (1), insert instead:

(1) The Council is to consist of 9 members appointed by the Governor on the nomination of the Minister.

(2) Schedule (**Composition and procedure of the Council**):

- (a) Omit clause 1, insert instead:

Composition

1. The members must include:

- (a) at least 1 person who has knowledge of, or experience in, education; and

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- (b) at least 1 person who has knowledge of, or experience in, local government.
- (b) From clause 3 (1) omit "four", insert instead "3".
- (c) After clause 3 (4), insert:
 - (5) A member is not to hold office for 4 consecutive terms.
 - (6) The appointment of a member, other than a member appointed under subclause (3), takes effect on 1 January of the year following that in which the appointment is made.
- (d) Omit clause 7 (h).
- (e) From clause 9 (2) omit "Six", insert instead "Five".

Museum of Applied Arts and Sciences Act 1945 No. 31:

Section 4:

Omit the section, insert instead:

Appointment of trustees

- 4. (1) The trustees are to be appointed by the Governor on the nomination of the Minister.
- (2) The trustees must include:
 - (a) at least 1 person who has knowledge of, or experience in, the arts or sciences; and
 - (b) at least 1 person who has knowledge of, or experience in, education.
- (3) A trustee is to hold office for 3 years but is, subject to subsection (4), eligible for re-appointment.
- (4) A trustee is not to hold office for 4 consecutive terms.
- (5) On the occurrence of a vacancy in the office of a trustee otherwise than by the expiration of the trustee's term of appointment, the Governor may, on the nomination of the Minister, appoint a person to fill the vacant office for the residue of the term of office of his or her predecessor.
- (6) The appointment of a trustee, other than a trustee appointed under subsection (5), takes effect on 1 January of the year following that in which the appointment is made.

Sydney Opera House Trust Act 1961 No. 9:

Section 6:

Omit the section, insert instead:

Trustees

6. (1) The Trust is to consist of 9 members appointed by the Governor on the nomination of the Minister.

(2) The trustees must include at least 2 persons who have knowledge of, or experience in, the performing arts.

(3) A trustee is to hold office for 3 years but is, subject to subsection (4), eligible for re-appointment.

(4) A trustee is not to hold office for 4 consecutive terms.

(5) On the occurrence of a vacancy in the office of a trustee otherwise than by the expiration of the trustee's term of appointment, the Governor may, on the nomination of the Minister, appoint a person to fill the vacant office for the residue of the term of office of his or her predecessor.

(6) The appointment of a trustee, other than a trustee appointed under subsection (5), takes effect on 1 January of the year following that in which the appointment is made.

[*Minister's second reading speech made in -
Legislative Assembly on 25 July 1989
Legislative Council on 1 August 1989*]