



New South Wales

# Film and Television Industry (Advisory Committee) Regulation 2024

under the

Film and Television Industry Act 1988

His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has made the following regulation under the *Film and Television Industry Act 1988*.

JOHN GRAHAM, MLC  
Minister for the Arts

## Explanatory note

The object of this regulation is to remake, without substantial amendments, the *Film and Television Industry (Advisory Committee) Regulation 2019*, which will be repealed on 1 September 2024 by the *Subordinate Legislation Act 1989*, section 10(2).

This regulation—

- (a) provides for the composition of the Film and Television Industry Advisory Committee established under the *Film and Television Industry Act 1988*, section 5(1) (the **Advisory Committee**), and
- (b) specifies the terms of office and remuneration arrangements for members of the Advisory Committee, and
- (c) provides for the procedure of the Advisory Committee, and
- (d) prescribes certain functions of the Advisory Committee.

This regulation comprises or relates to matters set out in the *Subordinate Legislation Act 1989*, Schedule 3, namely matters of a machinery nature and matters that are not likely to impose an appreciable burden, cost or disadvantage on any sector of the public.

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## Film and Television Industry (Advisory Committee) Regulation 2024

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Film and Television Industry Act 1988

### Part 1 Preliminary

#### 1 Name of regulation

This regulation is the *Film and Television Industry (Advisory Committee) Regulation 2024*.

#### 2 Commencement

This regulation commences on 1 September 2024.

**Note—** This regulation replaces the *Film and Television Industry (Advisory Committee) Regulation 2019*, which is repealed on 1 September 2024 by the *Subordinate Legislation Act 1989*, section 10(2).

#### 3 Definitions

In this regulation—

***chairperson*** means the member appointed to the Advisory Committee as chairperson of the Advisory Committee.

***member*** means a member of the Advisory Committee.

***the Act*** means the *Film and Television Industry Act 1988*.

**Note—** The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this regulation.

## Part 2 Composition and Functions

### 4 Composition of Advisory Committee—the Act, s 5(2)

- (1) The Advisory Committee must consist of no more than 7 members.
- (2) One member must be appointed chairperson by the member's instrument of appointment.
- (3) The chairperson must not have significant experience or expertise in the film and television industry.
- (4) The other members must have relevant experience or expertise in the film and television industry.

### 5 Functions of Advisory Committee—the Act, s 5(3)(b)

For the Act, section 5(3)(b), the following functions are prescribed—

- (a) considering recommendations relating to film and television production funding and advising the Secretary in relation to those recommendations,
- (b) advising the Secretary in relation to the annual allocation of program funding between film and television industry funding programs administered by the Secretary,
- (c) advising the Secretary in relation to individual film and television industry funding programs administered by the Secretary and, if appropriate, recommending changes to existing funding programs and guidelines,
- (d) advising the Minister on the strategic direction of the film and television industry in the State.

## **Part 3 Membership of Advisory Committee—the Act, s 5(4)**

### **6 Terms of office of members**

- (1) A member holds office for the period, not more than 3 years, specified in the member's instrument of appointment.
- (2) A person who holds or has held office as a member is eligible for reappointment or appointment to a further term—
  - (a) unless the person has held office for more than 6 years, consecutively or not, and
  - (b) if otherwise qualified.
- (3) For subsection (2)(a), an appointment does not constitute, and is taken never to have constituted, an appointment to a term of office if the person is appointed—
  - (a) under section 10 to fill the office of a member that has become vacant other than by the expiration of the member's term of office, and
  - (b) for the balance of the term of office of the person's predecessor.

### **7 Remuneration**

A member is entitled to be paid the remuneration, including travelling and subsistence allowances, determined by the Minister from time to time in consultation with the Public Service Commissioner.

### **8 Deputies**

- (1) The Minister may appoint a person to be the deputy of a member.
- (2) The chairperson's deputy must not have significant experience or expertise in the film and television industry.
- (3) In the absence of a member, the member's deputy—
  - (a) may, if available, act in the place of the member, and
  - (b) while acting, has all the functions of the member and is taken to be a member.
- (4) The chairperson's deputy has the member's functions as chairperson.
- (5) While acting in the place of a member, a person is entitled to be paid the remuneration, including travelling and subsistence allowances, determined by the Minister from time to time.

### **9 Vacancy in office of member**

The office of a member becomes vacant if the member—

- (a) dies, or
- (b) completes a term of office and is not re-appointed, or
- (c) resigns the office by written instrument addressed to the Minister, or
- (d) is removed from office by the Minister under this section, or
- (e) is absent from 4 consecutive meetings of the Advisory Committee of which reasonable notice has been given to the member personally or by post or email, except—
  - (i) on leave granted by the Committee, or
  - (ii) before the expiration of 4 weeks after the last of the 4 meetings, the member is excused by the Committee for having been absent from those meetings, or

- (f) is personally insolvent, or
- (g) becomes a mentally incapacitated person, or
- (h) is convicted in New South Wales of an offence that is punishable by imprisonment for 12 months or more or is convicted elsewhere than in New South Wales of an offence that, if committed in New South Wales, would be an offence punishable in the same way.

#### **10 Filling of vacancy in office of member**

- (1) If the office of a member becomes vacant, the Minister may, subject to this regulation and the Act, appoint a person to fill the vacancy.
- (2) Despite subsection (1), if the office of a member becomes vacant, the Secretary may appoint a person to fill the vacancy on a temporary basis for a period no longer than 6 months.

#### **11 Disclosure of pecuniary interests**

- (1) Subsection (2) applies if—
  - (a) a member of the Advisory Committee has a direct or indirect pecuniary interest in a matter being considered or about to be considered at a Committee meeting, and
  - (b) the interest appears to raise a conflict with the proper performance of the member's duties in relation to the consideration of the matter.
- (2) The member must, as soon as possible after the relevant facts have come to the member's knowledge, disclose the nature of the interest at a Committee meeting.
- (3) A member may disclose at a meeting of the Committee that the member—
  - (a) is a member of, or is employed by, a specified company or another body, or
  - (b) is a partner of, or employed by, a specified person, or
  - (c) has some other specified interest relating to the specified company, body or person.
- (4) The disclosure under subsection (3) is a sufficient disclosure by the member of the nature of the interest in a matter relating to that company or other body and the person is not required to repeat the disclosure for later meetings of the Committee.
- (5) Particulars of a disclosure made under this section must be recorded by the Committee in a document kept for the purpose.
- (6) The document must be made available at all reasonable hours for inspection by any person on payment of the reasonable fee determined by the Committee.
- (7) After a member has disclosed the nature of an interest in a matter, the member must not, unless the Minister or the Committee otherwise determines—
  - (a) be present during a deliberation of the Committee about the matter, or
  - (b) take part in a decision of the Committee about the matter.
- (8) For the purposes of making a determination by the Committee under subsection (7), a member who has a direct or indirect pecuniary or other interest in a matter to which a disclosure relates must not—
  - (a) be present at the time the Committee is making the determination, or
  - (b) take part in the making of the determination.
- (9) A contravention of this section does not invalidate a decision of the Committee.

**12 Effect of certain other Acts**

- (1) The provisions of the *Government Sector Employment Act 2013* relating to the employment of Public Service employees do not apply to a member.
- (2) The following provisions in an Act or instrument do not operate to disqualify a person from holding an office and also being an appointed member—
  - (a) a provision requiring a person who is the holder of a specified office to devote the whole of the person's time to the duties of that office,
  - (b) a provision prohibiting the person from engaging in employment outside the duties of that office.
- (3) For any Act, the office of a member is not an office or place of profit under the Crown.

## **Part 4 Procedure of Advisory Committee—the Act, s 5(4)**

### **13 General procedure**

The procedure for calling Advisory Committee meetings and conducting business at Committee meetings must, subject to the regulations, be determined by the Committee.

### **14 Quorum**

- (1) The quorum for a Advisory Committee meeting is 3 members.
- (2) One of the members must be the chairperson.

### **15 Presiding member**

- (1) The chairperson must preside at a meeting of the Advisory Committee.
- (2) The chairperson has—
  - (a) a deliberative vote, and
  - (b) if there is an equality of votes—a second or casting vote.

### **16 Voting**

A decision supported by a majority of the votes cast at an Advisory Committee meeting at which a quorum is present is the decision of the Committee.

### **17 Transaction of business outside meetings or by telecommunication**

- (1) The Advisory Committee may, if it thinks fit, transact its business—
  - (a) by the circulation of papers, by email or other electronic means, among all members, or
  - (b) at a meeting at which all or some members participate by telephone or other electronic means, but only if a member who speaks on a matter at the meeting can be heard by the other members.
- (2) If the Committee transacts its business by the circulation of papers under subsection (1)(a), a written resolution approved in writing by a majority of the members of the Committee is taken to be a decision of the Committee made at a Committee meeting.
- (3) The chairperson and each other member of the Committee have the same voting rights as at an ordinary Committee meeting for the purposes of—
  - (a) a meeting held in accordance with subsection (1)(b), or
  - (b) an approval of a resolution under subsection (2).
- (4) A resolution approved under subsection (2) must be recorded in the minutes of the Committee meeting.



## **Part 5 Miscellaneous**

### **18 Savings**

An act, matter or thing that, immediately before the repeal of the *Film and Television Industry (Advisory Committee) Regulation 2019*, had effect under that regulation continues to have effect under this regulation.