

Act No. 124

INSTITUTE OF THE ARTS BILL 1987

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The objects of this Bill are—

- (a) to establish an arts institute in New South Wales to be known as the “New South Wales Institute of the Arts”;
- (b) to provide that the following educational institutions are to become part of the Institute:
 - (i) the City Art Institute of the Sydney College of Advanced Education;
 - (ii) the East Sydney Art School of the Department of Technical and Further Education;
 - (iii) other educational institutions by order of the Minister;
- (c) to provide for a Board of Governors to control and manage the Institute;
- (d) to prescribe the objects and functions of the Institute; and
- (e) to provide for other matters ancillary to the operation of the Institute.

PART 1—PRELIMINARY

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the proposed Act will, with minor exceptions, commence on a day or days to be appointed by the Governor-in-Council.

Clause 3 defines expressions used in the proposed Act.

Institute of the Arts 1987

PART 2—THE INSTITUTE

Clause 4 constitutes (as a body corporate) the New South Wales Institute of the Arts.

Clause 5 authorises the Minister to designate the constituent schools of the Institute.

Clause 6 provides that the City Art Institute of the Sydney College of Advanced Education is to become a part of (and a constituent school of) the Institute.

Clause 7 provides that the East Sydney Art School of the Department of Technical and Further Education is to become a part of (and a constituent school of) the Institute. The Director-General of that Department is to continue to conduct that school on behalf of the Institute.

Clause 8 empowers the Minister to transfer to the Institute other educational institutions that are part of a government department etc. or that are or form part of a college of advanced education.

Clause 9 and Schedule 1 contain transitional and savings provisions consequent on the transfer of the above educational institutions to the Institute.

PART 3—THE BOARD OF GOVERNORS OF THE INSTITUTE

Clause 10 constitutes the Board and provides that it is the governing authority of the Institute.

Clause 11 authorises the Minister to appoint the first Board.

Clause 12 provides for the membership of the Board (other than the first Board). The Board is to comprise 8 members appointed by the Minister, elected members and official members (being the chief executive officer of the Institute, the Director-General of Technical and Further Education, or a nominee, and the principal officers of the various schools established within the Institute). The elected members will comprise a member elected by the convocation of graduates of the Institute, 3 (or in some cases 4) academic staff members, 2 student members and one non-academic staff member.

Clause 13 and Schedules 2 and 3 make provision with respect to the members and procedure of the Board.

PART 4—OBJECTS AND FUNCTIONS OF THE INSTITUTE

Clause 14 specifies the objects of the Institute. The principal objects are to be the achievement of excellence in the teaching of the arts and the provision of practical and academic education at the highest standard for those who have exceptional talent and aptitude for the arts.

Clause 15 specifies the functions of the Institute. The functions include the provision of facilities for the teaching and study of the various branches of the arts and, in particular, advanced education courses and other courses in the arts.

Clause 16 provides for the appointment of a chief executive officer of the Institute.

Clause 17 enables the Institute to employ staff. The power to employ staff is subject to the same provisions that apply to staff employed by colleges of advanced education. The clause also enables persons to be employed for the purposes of the Institute under the Public Service Act 1979 and the Education Commission Act 1980.

Clause 18 empowers the Institute to delegate its functions.

Institute of the Arts 1987

Clause 19 empowers the Institute to accept gifts etc. for the purposes of the Institute.

PART 5—FINANCIAL PROVISIONS

Clause 20 is an interpretation provision for the purposes of the Part.

Clause 21 specifies the financial year of the Institute.

Clause 22 provides that, with respect to the Institute's funds, the conditions of a trust instrument are to prevail over the provisions of clauses 23–25 (which confer on the Institute additional powers to deal with its funds similar to those conferred on Universities and the Conservatorium of Music).

Clause 23 sets out the powers of the Institute with respect to the investment of its funds.

Clause 24 enables the Institute to establish investment pools for the collective investment of property, including trust funds, held by the Institute.

Clause 25 requires the Institute to distribute the income from the investment pool annually.

Clause 26 provides for matters of a consequential nature relating to the use of investment pools.

PART 6—MISCELLANEOUS

Clause 27 prescribes the responsibilities and powers of the Institute with respect to property used for the conduct of the Institute where the property is vested in the Crown or a Minister of the Crown.

Clause 28 provides for the acquisition of land for the purposes of the proposed Act (including resumption or appropriation under the Public Works Act 1912).

Clause 29 provides that, if land on which the Institute is conducted is vested in the Crown or a Minister of the Crown, the land may be transferred or conveyed to the Institute.

Clause 30 exempts land vested in and used by the Institute from local government rates and water, sewerage and drainage rates.

Clause 31 prohibits discrimination at the Institute on the basis of political or religious views or beliefs.

Clause 32 provides that, in legal proceedings involving the Board, certain matters relating to the constitution and proceedings of the Board do not have to be proved.

Clause 33 empowers the Institute to make by-laws for the general management and control of the Institute or any of its constituent schools of art. By-laws may also provide for the proceedings of the Board, disciplinary matters involving staff or students, examinations, students' progression at the Institute, the conferring of academic awards on certain persons without examination and sundry other matters. A by-law made under the clause is not to take effect unless it has been approved by the Governor-in-Council.

Clause 34 empowers the Governor-in-Council to make regulations for the purposes of the proposed Act.

Institute of the Arts 1987

Clause 35 makes a consequential amendment to the Public Finance and Audit Act 1983.

Clause 36 makes a consequential amendment to the Superannuation Act 1916 to enable staff transferred to the Institute who are contributors to the superannuation scheme under that Act to continue to contribute to that scheme.

Clause 37 makes a consequential amendment to the State Public Service Superannuation Act 1985 to enable the staff of the Institute to contribute to the superannuation scheme under that Act.

Schedule 1 contains the savings and transitional provisions consequent on the transfer under the proposed Act of educational institutions to the Institute.

Schedule 2 contains provisions relating to the members of the Board.

Schedule 3 provides for the procedure to be followed by the Board at its meetings.

Schedule 4 provides for the preservation of certain leave entitlements of staff of the Institute who are appointed to other positions on the staff of the Institute. The appointment may involve a change between a position in the Public Service or a Teaching Service attached to the Institute and a position as an employee of the Institute.
