

**Legislative Council—No 39**

As received from the House of Assembly and read a first time, 25 November 2008

South Australia

**South Australian Country Arts Trust (Constitution  
of Trust) Amendment Bill 2008**

A BILL FOR

An Act to amend the *South Australian Country Arts Trust Act 1992*.

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## The Parliament of South Australia enacts as follows:

### Part 1—Preliminary

#### 1—Short title

This Act may be cited as the *South Australian Country Arts Trust (Constitution of Trust) Amendment Act 2008*.

#### 5 2—Commencement

This Act will come into operation on a day to be fixed by proclamation.

#### 3—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

## Part 2—Amendment of *South Australian Country Arts Trust Act 1992*

### 4—Amendment of long title

Long title—delete "and Country Arts Boards and define their" and substitute:

5 and define its

### 5—Amendment of section 3—Interpretation

- (1) Section 3(1), definitions of *area* and *Country Arts Board*—delete the definitions
- (2) Section 3(1), definitions of *local resident* and *the Trust*—delete the definitions and substitute:

10 *proclaimed region* means an area declared by proclamation as a region for the purposes of this Act;

*Trust* means the South Australian Country Arts Trust.

- (3) Section 3—after subsection (2) insert:

(3) The Governor may, by proclamation—

- 15 (a) declare a specified area to be a region for the purposes of this Act; or
- (b) vary or revoke a proclamation under paragraph (a).

### 6—Amendment of section 5—Membership of Trust

- (1) Section 5(1)—delete subsection (1) and substitute:

- 20 (1) The Trust consists of 9 trustees appointed by the Minister, of whom—
  - (a) 1 will be appointed to be the presiding trustee of the Trust; and
  - (b) 5 will be appointed to represent proclaimed regions; and
  - 25 (c) 1 will be selected from a panel of persons nominated by the Local Government Association of South Australia; and
  - (d) 2 will be persons who have legal, managerial, entrepreneurial or arts skills.

- (2) Section 5(3)—delete "appointed under subsection (1)(a) or (d)" and substitute:

30 (other than a member appointed under subsection (1)(c))

- (3) Section 5(3a)—delete subsection (3a)

- (4) Section 5—after subsection (4) insert:

(5) A person is not eligible to be appointed to represent a proclaimed region unless the person resides in the region.

### 35 7—Amendment of section 6—Terms and conditions of office

- (1) Section 6(2)—delete "or a trustee who holds office *ex officio*"

(2) Section 6(5)(d)—delete paragraph (d) and substitute:

(d) being a trustee appointed to represent a proclaimed region, ceases to reside in the region; or

(3) Section 6(7)—delete "(other than a trustee who holds office *ex officio*)"

5 **8—Amendment of section 7—Procedures of Trust**

Section 7(4)—delete ", subject to section 8,"

**9—Repeal of section 8**

Section 8—delete the section

**10—Amendment of section 9—Functions and powers of Trust**

10 Section 9(1)(g)—delete paragraph (g)

**11—Amendment of section 12—Delegation**

Section 12(1)(c)—delete paragraph (c)

**12—Amendment of section 17—Budget**

Section 17(1)—delete subsection (1) and substitute:

15 (1) The Trust must, before the end of each financial year, submit to the Minister a budget showing estimates of its receipts and payments for the next financial year.

**13—Repeal of Part 3**

Part 3—delete the Part

20 **14—Substitution of sections 29 and 30**

Sections 29 and 30—delete the sections and substitute:

**29—Immunity from liability**

25 (1) No civil liability attaches to a person to whom a function or power of the Trust is delegated in accordance with this Act for an act or omission in the exercise or purported exercise of such delegated functions or powers.

(2) An action that would, but for subsection (1), lie against a person lies instead against the Crown.

30 (3) This section does not prejudice rights of action of the Crown in respect of an act or omission of a person not in good faith.

**30—Regulations**

(1) The Governor may make such regulations as are contemplated by, or necessary or expedient for the purposes of, this Act.

35 (2) Without limiting the generality of subsection (1), the regulations may—

(a) regulate the conduct of persons on the Trust's property;

- (b) prescribe penalties, not exceeding \$2 500, for breach of, or non-compliance with, a regulation.

## **15—Repeal of Schedule**

Schedule—delete the Schedule

## 5 **Schedule 1—Transitional provisions**

### **1—Interpretation**

In this Schedule—

*Trust* means the South Australian Country Arts Trust.

### **2—Transfer of assets, etc of Country Arts Boards to Trust**

10 On the commencement of this clause all assets, rights and liabilities of Country Arts Boards then in existence are transferred to and vested in the Trust.

### **3—Transitional provision relating to Trust**

15 On the commencement of this clause all members of the Trust then in office vacate their respective offices so that fresh appointments may be made to the Trust under section 5 of the *South Australian Country Arts Trust Act 1992* as amended by this Act.