

South Australia

Public Corporations (Australian Children's Performing Arts Company) Variation Regulations 2011

under the *Public Corporations Act 1993*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Public Corporations (Australian Children's Performing Arts Company) Variation Regulations 2011*.

2—Commencement

These regulations will come into operation on the day on which Part 1 of the *Statutes Amendment (Arts Agencies Governance and Other Matters) Act 2010* comes into operation.

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of *Public Corporations (Australian Children's Performing Arts Company) Regulations 2001*

4—Variation of regulation 7—Composition of board

- (1) Regulation 7(1)—delete "nine" and substitute:

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- (2) Regulation 7—after subregulation (1) insert:

(1a) At least 2 directors must be women and at least 2 must be men.

5—Variation of regulation 8—Conditions of membership

- (1) Regulation 8(1)—after "reappointment" insert:

(subject to the qualification that a person cannot serve as a director for more than 9 consecutive years)

- (2) Regulation 8(2)(e)—after "offence" insert:

or sentenced to imprisonment for an offence

6—Variation of regulation 11—Proceedings

Regulation 11—after subregulation (7) insert:

(7a) The board must meet at least 6 times in each year.

7—Variation of regulation 23—Annual report

Regulation 23(1)—after "during that financial year" insert:

(including the audited statements of account of the subsidiary for that financial year)

Schedule 1—Transitional provision

1—Membership of board

- (1) In this clause—

principal regulations means the *Public Corporations (Australian Children's Performing Arts Company) Regulations 2001*.

- (2) A director of the board holding office immediately before the commencement of this clause, will, on that commencement, continue in office—

(a) for the balance of that term of office; and

(b) on such other conditions as if the principal regulations as varied by these regulations had been in force when he or she was appointed or last reappointed as a director and that appointment had been made under the principal regulations as so varied.

- (3) A director continues in office by virtue of subclause (2) despite the fact that, for some or all of the duration of the balance of that term of office—
- (a) 1 or more provisions of regulation 7 of the principal regulations as amended by regulation 4 of these regulations (relating to the composition of the board) may not be complied with; and
 - (b) regulation 8(1) of the principal regulations as amended by regulation 5 of these regulations (prohibiting a person from serving as a director for more than 9 consecutive years) may not be complied with,
- and, in that case, those provisions will not apply for that duration.

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor's Deputy

with the advice and consent of the Executive Council
on 12 May 2011

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