

Queensland



ROYAL QUEENSLAND THEATRE COMPANY ACT 1970

**Reprinted as in force on 14 December 1995
(includes amendments up to Act No. 58 of 1995)**

Reprint No. 2

**This reprint is prepared by
the Office of the Queensland Parliamentary Counsel
Warning—This reprint is not an authorised copy**

Information about this reprint

This Act is reprinted as at 14 December 1995. The reprint—

- shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c))
- incorporates all necessary consequential amendments, whether of punctuation, numbering or another kind (Reprints Act 1992 s 5(d)).

The reprint includes a reference to the law by which each amendment was made—see List of legislation and List of annotations in endnotes.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 mentioned in the following list have also been made to—

- use aspects of format and printing style consistent with current drafting practice (s 35)
- correct minor errors (s 44).

This page is specific to this reprint. See previous reprint for information about earlier changes made under the Reprints Act 1992. A Table of earlier reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in the reprint, including Table of corrected minor errors**
- **editorial changes made in earlier reprints.**

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ROYAL QUEENSLAND THEATRE COMPANY ACT 1970

[as amended by all amendments that commenced on or before 9 December 1995]

An Act to provide for the establishment and incorporation of a body to be known as the Royal Queensland Theatre Company, to make provision with respect to the administration of that body, and for purposes incidental thereto

Short title

1. This Act may be cited as the *Royal Queensland Theatre Company Act 1970*.

Definitions

2. In this Act—

“**board**” means the board of the Royal Queensland Theatre Company constituted under this Act.

“**chairperson**” means the chairperson of the board.

“**deputy chairperson**” means the deputy chairperson of the board.

“**theatre company**” means the Royal Queensland Theatre Company established and incorporated under this Act.

“**theatre equipment**” means furniture, furnishings, fittings, plant, equipment, stage scenery, properties, costumes, drapes, curtains and chattels suitable or convenient for the production of stage presentations.

Constitution of the Royal Queensland Theatre Company

3.(1) There is hereby established a body by the name of the Royal

Queensland Theatre Company.

(2) The theatre company—

- (a) is a body corporate, with perpetual succession; and
- (b) shall have a common seal; and
- (c) is capable of acquiring, holding and disposing of real and personal property; and
- (d) may sue and be sued in its corporate name; and
- (e) is capable of doing and suffering of such other acts and things that a body corporate may by law do and suffer.

Membership of the theatre company

4. The theatre company shall consist of—

- (a) the persons and bodies corporate who are for the time being members of the theatre company in accordance with the by-laws; and
- (b) the persons for the time being holding office as members of the board.

Objects of the theatre company

5. The objects of the theatre company are—

- (a) to promote and encourage the development and presentation of the arts of the theatre;
- (b) to promote and encourage public interest and participation in the arts of the theatre;
- (c) to promote and encourage either directly or indirectly the knowledge, understanding, appreciation and enjoyment of drama, opera, ballet, music and other arts of the theatre in all their expressions, forms and media;
- (d) to produce, present and manage plays, opera, ballet and other forms and kinds of theatre or entertainment in the State Government Insurance Office Theatre and at other places;

- (e) to establish and conduct schools, lectures, courses, seminars and other forms of education in drama and other arts of the theatre;
- (f) to teach, train and instruct persons and promote education and research in drama and other arts of the theatre;
- (g) to provide or assist to provide theatres and appurtenances of theatres.

Powers of the theatre company

6.(1) Subject to this Act the theatre company has power to do all things necessary or convenient to be done in connection with, or as incidental to, the carrying out of its objects.

(2) Without limiting the generality of subsection (1), and any other powers conferred upon the theatre company by the provisions of this Act other than this section, the powers of the theatre company include power—

- (a) to engage and enter into contracts for the appearance of artists, entertainers and performers;
- (b) to employ writers, composers, choreographers, designers and producers;
- (c) to purchase theatre equipment and install and use that equipment in any theatre;
- (d) to make charges for admission to entertainments or other functions held by the theatre company;
- (e) to grant rights to televise, broadcast, film or record entertainments or other functions held by the theatre company.

The board

7.(1) There is to be a board of the theatre company.

(1A) The board has the functions and powers given under this Act.

(2) Subject to this Act the board shall be the governing authority of the theatre company and shall administer, manage and conduct the affairs thereof and may exercise all such powers of the theatre company as are not specifically conferred on any other body or person.

Members and their appointment

9.(1) The board consists of the number of members, not less than 7 and not more than 10, the Governor in Council appoints.

(2) A member is to be appointed for a term of not longer than 3 years.

Chairperson and deputy chairperson

10.(1) The Governor in Council shall appoint a member of the board to be the chairperson of the board.

(2) The members of the board shall appoint a member to be the deputy chairperson of the board.

(3) A member appointed as the chairperson or deputy chairperson shall hold office as such until the appointment of another member as the chairperson or deputy chairperson, as the case may be, until the expiration of the period of the member's appointment as member or until the member otherwise ceases to be a member whichever first happens.

(4) The chairperson or deputy chairperson may, by written notice addressed to the Minister resign office as the chairperson or the deputy chairperson.

(5) Where a member appointed as the chairperson or deputy chairperson is, upon ceasing to be the chairperson or the deputy chairperson, as the case may be, by virtue of the expiration of the period of his or her appointment as a member, reappointed as a member the member is eligible for reappointment as the chairperson or deputy chairperson.

Patron and vice-patrons

11. The board may elect a patron and any number of vice-patrons of the theatre company, but the persons so elected shall not by reason of such election be members of the board.

Vacancies in board

12.(1) A member of the board shall be deemed to have vacated the member's office if the member—

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- (a) dies or becomes a patient (within the meaning of the *Mental Health Act 1974*);
- (b) resigns office by written notice addressed to the Minister (such resignation to be complete and take effect from the time when it is received by the Minister);
- (c) is absent from 3 consecutive ordinary meetings of the board of which notice has been given to the member personally or in the ordinary course of post without leave of absence granted by the board;
- (d) is removed from office by the Governor in Council.

(2) The Governor in Council may for any cause which appears to the Governor in Council to be sufficient, remove any member of the board from office.

(3) A member of the board who is directly or indirectly interested in a contract made or proposed to be made by the theatre company (otherwise than as a member, and in common with the other members, of an incorporated company consisting of not less than 25 persons) shall, as soon as possible after the relevant facts have come to the member's knowledge, disclose the nature of the member's interest at a meeting of the board.

(4) A disclosure under subsection (3) shall be recorded in the minutes of the board and the member—

- (a) shall not take part after the disclosure in any deliberation or decision of the board with respect to that contract; and
- (b) shall be disregarded for the purpose of constituting a quorum of the board for that deliberation or decision.

Meetings, procedure, quorum etc.

14.(1) The procedure for the calling of meetings of the board and the conduct of business at such meetings shall, subject to any by-laws in relation thereto in force, be as determined by the board.

(2) Any 4 members shall be a quorum for the purposes of any meeting of the board.

(3) Any duly convened meeting of the board at which a quorum is

present shall be competent to transact any business of the board and shall have and may exercise and discharge all the powers and functions by this act conferred or imposed upon the board.

(4) A decision of the majority of members present at a meeting of the board shall be the decision of the board and in the event of an equality of votes upon any matter at a meeting the person presiding may exercise a second or casting vote.

(5) At a meeting of the board the chairperson or, if the chairperson is not present, the deputy chairperson shall preside but if both the chairperson and deputy chairperson are not present, the members present shall elect a person from their number to preside as chairperson.

(6) The board shall keep a record of its proceedings at meetings.

Common seal

15. The common seal shall be kept in the custody of the chairperson or such other member as the board may determine and shall not be affixed to any instrument or writing except by authority of a resolution of the board and in the presence of at least 1 member of the board and the secretary or such other person as the board shall appoint for the purpose.

Delegation by board

16.(1) The board may delegate its powers to a member or an employee of the board.

(2) However, the board may not delegate its power to make by-laws.

Protection of board

17. No action, suit or proceeding shall be brought or maintained against any member of the board or any person who has been a member of the board in respect of any act or action done or taken or omitted to be done or taken by the board under this Act in the bona fide exercise of powers conferred or reasonably believed by the said member to have been conferred by this Act.

Employees

18.(1) The board may employ an artistic director, a secretary and the other persons it considers necessary for carrying out the objects of the theatre company.

(2) The board may decide the terms of employment of its employees.

(3) However, subsection (2) has effect subject to any relevant award, industrial agreement, certified agreement or enterprise flexibility agreement.

(4) The artistic director and other employees have the functions and powers prescribed by the by-laws or directed by the board.

Country branches

19.(1) The board may from time to time approve of the establishment of country branches of the theatre company which, subject to the board, shall have and may exercise and discharge such of the powers and functions of the theatre company as are for the time being conferred and imposed upon or delegated to such branches by the board.

(2) A country branch shall be constituted in accordance with the by-laws.

Power to accept gifts

20. The theatre company may accept any gift (whether by will or inter vivos) of any property of whatsoever kind and wheresoever situate, and whether in possession, reversion, or remainder.

Power of the theatre company to cooperate with other bodies

21. The theatre company may—

- (a) cooperate with any corporation, body or society (whether in Queensland or not) having 1 or more objects wholly or substantially similar to the objects of the theatre company for the purpose of promoting the objects of such corporation, body or society or the objects of the theatre company; and
- (b) if it thinks fit become a member of or an affiliate of any such corporation, body or society.

Power to lend and accept property on loan

22.(1) The theatre company may lend or make available to any corporation, body or society (whether in Queensland or not) having 1 or more objects wholly or substantially similar to the objects of the theatre company, upon such terms and conditions as the board thinks fit, any theatre equipment or other property of the theatre company or of which it has the care or control.

(2) The theatre company may accept on loan any theatre equipment or other property.

Sale or disposal of certain property

23.(1) Where the board is satisfied that any property for the time being vested in the theatre company is unfit or not required for the objects of the theatre company, the theatre company may (notwithstanding the terms of any trust affecting the property or any arrangement or condition made or agreed to by it at the time of the acquisition of the property by the theatre company)—

- (a) sell the property or exchange it for any other property; or
- (b) dispose of the property without consideration or in the case of personal property destroy the property if the board adjudges it to be of no saleable value.

(2) The proceeds of any sale made by the theatre company in the exercise of the power conferred on it by subsection (1) shall after deduction therefrom of the costs of and incidental to the sale be held for the objects of the theatre company.

(3) Any property sold or disposed of by way of exchange or otherwise by the theatre company purporting to exercise any of the powers conferred on it by subsection (1) shall vest in the person acquiring the property by virtue of the sale or disposition freed and discharged from any trust arrangement or condition relating to any sale or disposition of the property or to the use of the property to which the property was subject in the hands of the theatre company.

(4) No person acquiring any property from the theatre company purporting to exercise any of the powers conferred on it by subsection (1) shall be concerned to inquire whether a case has arisen to authorise the sale

or other disposition of the property or whether the power was otherwise properly and regularly exercised or to see to the application of any purchase money paid to the theatre company.

Application of moneys

24. Subject to section 27, the moneys of the theatre company shall be applied only in payment or discharge of the expenses, charges, obligations and liabilities incurred or undertaken by the theatre company in or in connection with the exercise of its powers and the carrying out of its objects under this Act.

No payment of dividend

25. No dividend, bonus or other profit shall at any time be paid out of the income or property of the theatre company to any member thereof.

Application of Financial Administration and Audit Act 1977

25A. The theatre company is a statutory body under the *Financial Administration and Audit Act 1977*.

Power of the theatre company to borrow moneys

26. For the purpose of carrying out any object of the theatre company, the theatre company may from time to time borrow moneys and give security for repayment thereof by a mortgage, charge or any form of security over any property of the theatre company, subject always to the provisions of any trust affecting such property or to any directions or restrictions attached thereto or imposed by the owner thereof.

Investment of funds

27.(1) The theatre company may, subject to any by-law in that behalf and to the provisions of any trust affecting its funds or to any directions or restrictions attached thereto or imposed by the donor thereof, from time to time invest any of its funds in any investments from time to time authorised by resolution of the board whether an authorised trustee investment or not.

(2) The theatre company may retain and hold any investment which may be transferred to the theatre company otherwise than by way of purchase notwithstanding that such investments may not be of the nature authorised by subsection (1).

Provision by Crown towards expenses of the theatre company

28. The Crown may in any year by way of grant make such contribution towards the expenses, charges, obligations and liabilities incurred or to be incurred by the theatre company in or in connection with the exercise of its powers and the carrying out of its objects under this Act as is deemed proper.

Superannuation schemes

29A.(1) The board may—

- (a) establish or amend superannuation schemes; or
- (b) join in establishing or amending superannuation schemes; or
- (c) take part in superannuation schemes.

(2) The Auditor-General may audit the schemes.

(3) Subsection (2) is subject to the *Financial Administration and Audit Act 1977*, part 6.¹

Reports

31. The board shall furnish to the Minister such information relating to the operations of the theatre company as the Minister from time to time requires.

By-law making power

32.(1) The board may make by-laws under this Act.

(2) A by-law may make provision for or about the following—

¹ Part 6 (Audit of public accounts and public sector entities)

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- (a) regulating the affairs, business and management of the theatre company;
 - (b) regulating the admission, resignation and expulsion of members of the theatre company;
 - (c) the appointment and constitution of subcommittees of the board (which may consist of or include persons not members of the board) for such purposes and so constituted and with such powers and duties (including powers of delegation and co-option) as the board may determine;
 - (d) the manner and time of convening, holding and adjourning meetings of the theatre company, the board and subcommittees of the board and the proceedings at such meetings;
 - (e) the management, control and investment of property vested in the theatre company;
 - (f) the admission, exclusion or expulsion of the public or any person from any building or place leased or owned by the theatre company or of which it has the care and control and the rates or charges to be paid for admission thereto (which rates or charges may differ with respect to different parts thereof or as to the persons admitted thereto or as to the purpose to which the admission is related);
 - (g) the conditions and restrictions upon and subject to which any use, benefit or loan of any property vested in the theatre company or of which it has the care or control be permitted or allowed.
- (3) The by-laws may impose a penalty for any breach thereof not exceeding 1 penalty unit for any 1 offence.
- (4) An offence against a by-law is a summary offence.
- (5) A by-law must be approved by the Governor in Council.²
- (6) Any function conferred upon the board under this Act may be exercised notwithstanding that by-laws have not been made pursuant to the powers conferred by this section and the power to make by-laws with

² A by-law is subordinate legislation (see *Statutory Instruments Act 1992*, sections 7, 8(b)(i) and 9(1)(a)).

respect to any purpose, matter or thing shall not be taken as limiting any function conferred upon the board by any provision of this Act.

Regulation making power

33. The Governor in Council may make regulations under this Act.

Queensland Theatre Company Act 1970 references

34. In an Act or document, a reference to the *Queensland Theatre Company Act 1970* is a reference to this Act.

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 14 December 1995. Future amendments of the Royal Queensland Theatre Company Act 1970 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

AIA	=	Acts Interpretation Act 1954	(prev)	=	previously
amd	=	amended	proc	=	proclamation
ch	=	chapter	prov	=	provision
def	=	definition	pt	=	part
div	=	division	pubd	=	published
exp	=	expires/expired	R[X]	=	Reprint No.[X]
gaz	=	gazette	RA	=	Reprints Act 1992
hdg	=	heading	reloc	=	relocated
ins	=	inserted	renum	=	renumbered
lap	=	lapsed	rep	=	repealed
notfd	=	notified	s	=	section
om	=	omitted	sch	=	schedule
o in c	=	order in council	sdiv	=	subdivision
p	=	page	SIA	=	Statutory Instruments Act 1992
para	=	paragraph	SL	=	subordinate legislation
prec	=	preceding	sub	=	substituted
pres	=	present	unnum	=	unnumbered
prev	=	previous			

4 Table of earlier reprints

TABLE OF EARLIER REPRINTS

Reprint No.	Amendments included	Reprint date
1	to Act No. 88 of 1990	19 December 1994

5 Tables in earlier reprints

TABLES IN EARLIER REPRINTS

Name of Table	Reprint No.
Changed names and titles	1
Obsolete and redundant provisions	1
Renumbered provisions	1

6 List of legislation

Royal Queensland Theatre Company Act 1970 No. 7

date of assent 10 April 1970

commenced 7 August 1970 (proc pubd gaz 8 August 1970 p 1944)

as amended by—

Queensland Theatre Company Act and Another Act Amendment Act 1985 No. 89 pt 2

date of assent 9 December 1985

commenced on date of assent

Statute Law (Miscellaneous Provisions) Act 1990 No. 88 s 3 sch

date of assent 6 December 1990

commenced on date of assent (see s 2(1))

Statutory Authorities Superannuation Legislation Amendment Act 1995 No. 36 ss 1–2, 9 sch 2

date of assent 16 June 1995

commenced on date of assent

Statute Law Revision Act (No. 2) 1995 No. 58 ss 1–2, 4 sch 1

date of assent 28 November 1995

commenced on date of assent

7 List of annotations

Long title amd 1985 No. 89 s 3

Short title

prov hdg amd 1995 No. 58 s 4 sch 1

s 1 amd 1985 No. 89 s 4(1); 1995 No. 58 s 4 sch 1

Definitions

s 2 def “**board**” amd 1985 No. 89 s 6(a)

def “**by-laws**” om 1995 No. 58 s 4 sch 1

def “**Minister**” om R1 (see RA s 39)

def “**theatre company**” amd 1985 No. 89 s 6(b)

Constitution of the Royal Queensland Theatre Company

prov hdg amd 1985 No. 89 s 7(a)

s 3 amd 1985 No. 89 s 7(b)

The board

s 7 amd 1995 No. 58 s 4 sch 1

Constitution of first Board

s 8 om R1 (see RA s 37)

Members and their appointment

s 9 sub 1995 No. 58 s 4 sch 1

Casual Vacancies

s 13 om 1995 No. 58 s 4 sch 1

Meetings, procedure, quorum etc.

s 14 amd 1995 No. 58 s 4 sch 1

Delegation by board

s 16 sub 1995 No. 58 s 4 sch 1

Employees

s 18 sub 1995 No. 58 s 4 sch 1

Country branches

s 19 amd 1995 No. 58 s 4 sch 1

Application of Financial Administration and Audit Act 1977

s 25A ins 1995 No. 58 s 4 sch 1

Proper accounts to be kept

s 29 om 1995 No. 58 s 4 sch 1

Superannuation schemess 29A ins 1985 No. 89 s 8
sub 1995 No. 36 s 9 sch 2**Audit**

s 30 om 1995 No. 58 s 4 sch 1

Reports

s 31 amd 1990 No. 88 s 3 sch; 1995 No. 58 s 4 sch 1

By-law making power

prov hdg sub 1995 No. 58 s 4 sch 1

s 32 amd 1995 No. 58 s 4 sch 1

Regulation making powers 33 amd R1 (see RA s 38)
sub 1995 No. 58 s 4 sch 1**Queensland Theatre Company Act 1970 references**

s 34 ins 1995 No. 58 s 4 sch 1

8 Table of corrected minor errorsTABLE OF CORRECTED MINOR ERRORS
under the Reprints Act 1992 s 44

Provision	Description
32(1)	om 'by-law' ins 'by-laws'