
TASMANIAN FILM CORPORATION ACT 1977

ANALYSIS

PART I—PRELIMINARY

1. Short title and commencement.
2. Interpretation.

PART II—TASMANIAN FILM CORPORATION

Division I—Constitution and proceedings of the Corporation

3. Tasmanian Film Corporation.
4. Proceedings of the Corporation.
5. Corporation subject to control of the Minister.

Division II—Functions, powers, and duties of the Corporation

6. Functions and powers of the Corporation.

PART III—DIRECTOR AND STAFF

7. Director.
8. Staff.
9. Transfer of officers from Public Service.

PART IV—FINANCIAL PROVISIONS

10. Funds of the Corporation.
11. Funds from private sources.
12. Borrowing from Loan Fund.
13. Working capital.
14. Reserves and provision for depreciation, &c.
15. Power of Corporation to borrow moneys for the purposes of the Act.
16. Guarantee of repayment of principal moneys.
17. Guarantee of payment of interest.
18. Corporation to give security to the Treasurer.
19. Payments to lenders under guarantee.
20. Bank accounts.

PART V—MISCELLANEOUS

21. Annual report.
22. Temporary closure of roads, etc.
23. Films and equipment of Government departments may be vested in Corporation.
24. Regulations.



TASMANIAN FILM CORPORATION

No. 34 of 1977

AN ACT to make provision for the establishment of a corporation to be known as the Tasmanian Film Corporation; to define its powers and functions; and for matters incidental thereto.

[19 May 1977]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

PART I

PRELIMINARY

1—(1) This Act may be cited as the *Tasmanian Film Corporation Act 1977*.

Short title
and
commencement.

(2) This Act shall commence on a day to be fixed by proclamation.

Interpretation.

2 In this Act, unless the contrary intention appears—

“appointed day” means such day as the Governor may by proclamation declare to be the appointed day for the purposes of this Act;

“Corporation” means the Tasmanian Film Corporation established under section 3;

“Director” means the person appointed as such under section 7;

“film” means a photographic film or a recording on magnetic tape or on any other material from which a series of images, with or without associated sounds, may be produced and includes such a photographic film or recording for use in a television programme;

“photograph” means a recording on material of any kind of a still image but excluding microfilm recording;

“sell” in relation to films and photographs includes the leasing or hiring thereof;

“State rate” means the State rate as defined in section 24 of the *Hydro-Electric Commission Act 1944*.

PART II

TASMANIAN FILM CORPORATION

Division I—Constitution and proceedings of the Corporation

Tasmanian
Film
Corporation.

3—(1) There shall be established a body to be known as the Tasmanian Film Corporation which shall be a body corporate with perpetual succession and a common seal.

(2) The Corporation shall consist of the Director and at least 4 but not more than 6 other members appointed by the Governor on the recommendation of the Minister for such term as the Governor may determine of whom one shall be appointed as the chairman of the Corporation.

(3) The Governor may in the case of the absence through sickness, disqualification, or otherwise of a member from time to time appoint, on the recommendation of the Minister, a deputy member to act in the place of that member and a deputy member so appointed, while so acting, is deemed to be a member and has all the powers and may perform all the functions of the member in whose place he is appointed.

(4) The members of the Corporation are not, as such, subject to the *Public Service Act 1973*, but an officer of the Public Service may hold office as a member of the Corporation in conjunction with his office as an officer of the Public Service.

(5) A member of the Corporation shall be paid such remuneration, allowances, and expenses (if any) as the Governor may determine.

(6) Notwithstanding subsection (5), an officer of the Public Service who is a member of the Corporation is entitled to receive, by way of remuneration, allowances, and expenses, such sums (if any) as the Public Service Board may determine, being sums not exceeding any determined by the Governor under that subsection.

4—(1) The Corporation shall meet at such times and places as the chairman may determine, and the chairman shall convene a meeting of the Corporation whenever requested, in writing, so to do—

Proceedings of
the
Corporation.

(a) by the Minister; or

(b) by the other members.

(2) Any 3 members of the Corporation shall constitute a quorum for the transaction of the business of any meeting.

(3) The chairman shall preside at all meetings of the Corporation at which he is present and shall have a deliberative vote, but if the chairman is absent from any meeting the members present shall elect a chairman who shall preside at that meeting.

(4) Any question arising at a meeting of the Corporation shall be determined by a majority of the votes of the members present and voting on the question, and, in the event of an equality of votes on any matter before a meeting of the Corporation, that matter stands adjourned to the next meeting of the Corporation.

(5) The Corporation may, by instrument under seal, delegate to any member of the Corporation, either generally or in relation to any particular matter or case, such of the powers, authorities, duties, and functions of the Corporation as may be specified in the instrument.

(6) Any delegation made under subsection (5) shall be revocable by the Corporation at any time and shall not prevent the exercise or performance by the Corporation of any of its powers, authorities, duties, and functions.

(7) A member of the Corporation who is in any way, whether directly or indirectly, interested in a contract or proposed contract with the corporation other than—

(a) as a guarantor of a loan by or to the Corporation; or

(b) as a director of a company under the *Companies Act* 1962, where the contract is for the benefit of the Corporation,

shall disclose the nature of the interest at a meeting of the Corporation following the time at which the facts thereof have come to his knowledge.

(8) Where a member of the Corporation holds any office or possesses any property and his rights, duties, and obligations therein or thereunder are of such a nature that they may or are likely to conflict with his duties as a member of the Corporation, he shall forthwith disclose all the facts relating thereto at the next meeting of the Corporation.

(9) A record shall be made by the chairman of the meeting at which any disclosure is made pursuant to subsection (7) or (8).

Corporation
subject to
control of
the Minister.

5—(1) Notwithstanding anything contained in this Act, the Corporation in the exercise of its powers or the performance of its functions under this Act is subject to the control of the Minister and if, after consultation with the Corporation, any action or proceeding by the Corporation is not approved by the Minister he may by notice in writing addressed to, and served upon, the Chairman of the Corporation prohibit the action or proceeding either absolutely or subject to such conditions as he thinks fit, and effect shall be given by the Corporation to the notice.

(2) In the exercise of his powers under this section the Minister shall have regard to the provisions of this Act.

Division II—Functions, powers, and duties of the Corporation

Functions and
powers of the
Corporation.

6—(1) The functions of the Corporation are to produce, distribute, and sell or exhibit films and photographs and for that purpose it has all such powers, rights, and privileges as may be necessary to enable it to carry out that function.

(2) Without in any way limiting the generality of subsection (1), the Corporation may encourage, promote, facilitate, and assist by making loans or grants or by paying subsidies or otherwise the establishment, carrying on, expansion, and development of the pro-

duction, distribution, sale, or exhibition of films, television programmes, and other works for the entertainment, instruction, and information of the public.

(3) Any loans or grants made, subsidies paid, or other financial assistance provided to the producers of films may be so made, paid, or provided under arrangements that entitle the Corporation to receive a share of the proceeds derived from the sale or exhibition of the films, or the inclusion of the films in television programmes but no such arrangements as are referred to in this section shall render the Corporation liable for any debts incurred by those producers.

(4) The Corporation has, except in such a case as the Minister, on the recommendation of the Corporation, approves, the sole and exclusive right to produce, or arrange the production of, films and photographs for and on behalf of the State and for and on behalf of any instrumentality or agency of the State and any film or photograph produced by the State or by any of its instrumentalities or agencies in contravention of this subsection shall, by force of this section, vest in and become the property of the Corporation.

PART III

DIRECTOR AND STAFF

7—(1) The Governor may, on the recommendation of the Director. Minister, appoint a person to be Director who shall—

- (a) hold office for such term and on such terms and conditions as are fixed by the Governor in the instrument of his appointment; and
- (b) be paid such remuneration and allowances as are so fixed by the Governor.

(2) The Director shall be the chief executive officer of the Corporation and is not subject to the *Public Service Act 1973*.

8—(1) For the purposes of the exercise of its functions the Staff. Corporation may employ such staff as it considers necessary.

(2) The Corporation shall be deemed to be a State authority within the meaning of Part V of the *Public Service Act 1973* and the controlling authority for the purposes of that Part in relation to its employees.

(3) Notwithstanding anything in subsection (2) it may be a term of employment of any person by the Corporation that he is not in that employment subject to the provisions of Part V of the *Public Service Act 1973*, and any person so employed shall be deemed not to be an employee within the meaning of that Part.

(4) The Corporation may make use of the services of any officer or temporary employee of the Public Service or a State authority with the approval of—

(a) where the person is an officer employed in a department of the Public Service—

(i) the head of the department; and

(ii) the Public Service Board, if that person is also subject to the *Public Service Act 1973*; or

(b) where the person is an officer employed by a State authority, that Authority.

(5) Notwithstanding subsection (4), where a person's services are obtained under that subsection, that person is entitled to receive—

(a) by way of fees or remuneration such sums (if any) as—

(i) the Public Service Board may approve, where the person is an officer to whom paragraph (a) (ii) of that subsection applies; or

(ii) the relevant State authority may approve, where the person is an officer to whom paragraph (b) of that subsection applies; and

(b) in payment of his travelling and other expenses—

(i) the same amounts as are payable in respect of expenses of that kind under an award prescribing those expenses that is applicable to him; or

(ii) where there is no such award in the case of a person who is an officer to whom paragraph (b) of that subsection applies, as the relevant State authority may approve.

(6) For the purposes of subsections (4) and (5), "officer", in relation to an officer employed in a department of the Public Service or by a State authority, includes a temporary employee who is so employed.

(7) The *State Employees (Long-Service Leave) Act 1950* applies to and in relation to the Director and persons appointed by the Corporation under this section as if the Corporation were a State authority as defined in that Act.

(8) The *Superannuation Act 1938* or the *Retirement Benefits Act 1970* (as the case requires) applies to and in relation to the Director and persons appointed by the Corporation under this section as if—

(a) they were employed by or on behalf of the State in an undertaking carried on by or on behalf of the State; and

- (b) the Corporation were a State instrumentality or an authority of the State within the meaning of section 61 of the *Superannuation Act 1938* or section 57 of the *Retirement Benefits Act 1970* (as the case requires).

9—(1) The Governor may, before the appointed day, by notice in the *Gazette*, designate the offices in the Public Service the holders of which will on that day become officers of the Corporation, and, on that day, those offices are abolished and the holders thereof are transferred to the employment of the Corporation. Transfer of officers from Public Service.

(2) Subject to any other Act or any award made thereunder, where an officer is transferred to the employment of the Corporation by virtue of this section, that officer is in respect of that employment entitled to the like rights and privileges as if he had remained an officer of the Public Service.

(3) For the purposes of this section, a person shall be regarded as holding an office in the Public Service notwithstanding that he is temporarily employed in that office.

(4) The provisions of the Schedule have effect in relation to persons who become officers of the Corporation under this section and to officers of the Public Service who are appointed as officers of the Corporation before the appointed day.

PART IV

FINANCIAL PROVISIONS

10—(1) The funds of the Corporation shall comprise the funds received by it in the course of the exercise of its functions or otherwise under the Act and such other moneys as may be provided by Parliament for the purposes of the Corporation. Funds of the Corporation.

(2) Subject to the terms or conditions on which they are received the Corporation may apply its funds for the purposes of the exercise of its functions under this Act.

(3) The Corporation may invest any of its funds not for the time being required to be expended in any investment in which trustees are authorized to invest trust funds or in such other manner as the Treasurer may approve.

(4) The Corporation shall keep such accounts and prepare such annual financial statements in relation thereto in such form and containing such particulars as the Treasurer may approve.

(5) The accounts of the Corporation are subject to the *Audit Act 1918*.

Funds from
private sources.

11 The Corporation may accept funds from any source, and may accept any such funds on terms and conditions defining or limiting the purpose for which they may be applied.

Borrowing
from Loan
Fund.

12—(1) Where money may be issued and applied out of the Loan Fund for capital expenditure in connection with the operations of the Corporation under this Act the Treasurer shall, on a requisition by the Corporation, advance to the Corporation so much of that money as is specified in the requisition.

(2) The amount of all charges and expenses incurred by the Treasurer in borrowing or raising any sum of money for the purposes of this section shall, as at the date when the amount thereof has been ascertained, be deemed to constitute a payment by the Treasurer to the Corporation under this section and to form part of the moneys payable out of the Loan Fund for those purposes.

(3) The Corporation shall pay to the Treasurer on account of the Consolidated Revenue quarterly, on the last days of September, December, March, and June in each financial year, interest at the State rate in respect of all moneys paid by the Treasurer to the Corporation under this section or such portion thereof as the Treasurer may determine.

(4) Where money is advanced to the Corporation under subsection (1) the Corporation shall in each financial year pay to the Treasurer such sums as the Treasurer certifies to be necessary to reimburse him for the sinking fund contributions paid by him in that financial year to the National Debt Commission in respect of such of the moneys so advanced as were outstanding at the commencement of the financial year.

Working
capital.

13—(1) The Corporation may, with the consent of the Treasurer, borrow by way of overdraft on its bank accounts for the purposes of this Act any sums not exceeding \$150 000.

(2) The Corporation may at any time—

(a) to meet working expenses; or

(b) for the purposes of paying off any overdraft either in the whole or in part, requisition the Treasurer for moneys and, subject to this section, the Treasurer may lend to the Corporation, out of moneys available from the Loan Fund, such amount as he thinks fit, upon such terms as to repayment, payment of interest, and otherwise, as the Treasurer determines.

(3) The amount borrowed by the Corporation from the Treasurer under subsection (2) shall not at any time, together with the amount, if any, owing by the Corporation on overdraft, exceed \$500 000.

14—(1) The Corporation shall make such annual provision as the Treasurer may approve for—

Reserves and provision for depreciation, &c.

(a) the depreciation of assets; and
(b) the other purposes of this section,
and the moneys so set aside shall be credited to a special account (in this section referred to as “ the depreciation account ”).

(2) The Corporation shall in each financial year, out of the depreciation account, pay to the Treasurer such sum as the Treasurer may certify to be necessary to reimburse the Treasurer for the amount of the sinking fund contributions paid by the Treasurer in that financial year to the National Debt Commission in respect of such advances made by the Treasurer to the Corporation under section 12 as were outstanding at the commencement of that year.

(3) Upon payment to the Treasurer by the Corporation of a sum pursuant to subsection (2), the amount owed by the Corporation in respect of the advances under section 12 in relation to which the sum is so paid shall be reduced by an amount equal to the sum so paid plus any sum that the Commonwealth, in accordance with the Financial Agreement, contributes towards the redemption of those advances.

(4) Subject to subsection (5), the Corporation may, out of the moneys at its disposal for the purposes of this Act, set aside such sums as it considers necessary for the purpose of—

- (a) making provision for undetermined losses or liabilities; or
- (b) creating a reserve, or reserves, against contingencies.

(5) The Corporation shall not exercise the power conferred on it by subsection (4) unless the Treasurer has approved of the amount of each provision or reserve, and the purpose for which each provision or reserve is made.

(6) The moneys provided—

(a) pursuant to subsection (1); or

(b) by reason of the making of a provision or the creating of a reserve pursuant to subsection (4), after making provision for any payments required to be made to the Treasurer pursuant to subsection (2), may, with the consent of the Treasurer be applied by the Corporation for all or any of the purposes set forth in subsection (7).

(7) The purposes for which moneys may be applied under subsection (6) are—

(a) making investments in such securities as the Governor may approve;

(b) financing the purchase of new assets or the replacement of assets;

(c) making payments to the Treasurer in reduction of the capital indebtedness of the Corporation to the State;

(d) making deposits with the Treasurer upon such terms including terms as to the payment of interest thereon by the Treasurer as may be agreed upon between the Corporation and the Treasurer; and

(e) defraying the costs and expenses incurred by the Corporation in or in connection with the exercise by the Corporation of any of the functions and powers conferred on it by section 6.

Power of Corporation to borrow moneys for the purposes of the Act.

15—(1) For the purposes of this Act the Corporation may with the approval of the Treasurer and subject to such terms and conditions as the Treasurer may determine borrow moneys from such sources other than those referred to in section 12 and section 13 as the Treasurer may approve.

(2) The Corporation shall make such provision as the Treasurer may require for the establishment of a sinking fund for the purpose of repaying moneys borrowed by the Corporation under this section.

Guarantee of repayment of principal moneys.

16—(1) Subject to this section, the Treasurer may guarantee the repayment by the Corporation to the lender or lenders thereof (being a lender or lenders approved by the Treasurer for the purposes of this section) of moneys proposed to be borrowed by the Corporation that the Treasurer is satisfied will be applied for the purposes of this Act.

(2) This section does not authorize the guarantee of the repayment of principal moneys in excess of \$1 000 000.

17 The power of the Treasurer under this Act to guarantee the repayment of the principal moneys proposed to be borrowed by the Corporation shall be deemed to include a power to guarantee the payment of the interest payable in respect of those moneys. Guarantee of payment of interest.

18 Before a guarantee is given by the Treasurer under this Act the Corporation shall give to the Treasurer such security (if any) as the Treasurer may require and shall execute all such instruments as may be necessary for the purpose. Corporation to give security to the Treasurer.

19—(1) If the Treasurer is called on to make a payment to a lender in consequence of giving a guarantee under this Act, the Treasurer shall, on the demand of the lender, and without any authority other than this section, make that payment to the lender and such payment shall be made out of the Consolidated Revenue (which, to the necessary extent, is appropriated accordingly). Payments to lenders under guarantee.

(2) Where, in pursuance of a guarantee given under this Act, the Treasurer is required under subsection (1) to make a payment to a lender, the Corporation shall, on demand being made on it by the Treasurer, pay to the Treasurer any amount so paid by him to the lender, together with interest thereon at the same rate of interest as the rate payable by the Corporation to the lender in respect of the principal moneys lent to the Corporation by that lender.

(3) Any amount received by the Treasurer as provided by subsection (2) shall be paid by the Treasurer into the Consolidated Revenue.

20 The Corporation shall cause to be kept in the Commonwealth Bank such accounts as may be necessary for the purposes of this Act; and any money received by the Corporation shall be paid into, and any expenditure of the Corporation shall be drawn from, an account so kept. Bank accounts.

PART V

MISCELLANEOUS

21 As soon as practicable after 30th June in each year the Corporation shall submit to the Minister a report on its operations during the period of 12 months ending on that day, and, on receiving the report, the Minister shall cause a copy thereof to be laid before each House of Parliament. Annual report.

Temporary
closure of
roads, etc.

22 The Commissioner of Police shall—

- (a) if he thinks fit, upon the application of the Corporation and with the approval of the appropriate council; or
- (b) upon the direction of the Minister made upon the recommendation of the Corporation after consultation with the appropriate council,

temporarily close any street or thoroughfare or part of any street or thoroughfare or cause such directions to be given as are necessary to control the movement of pedestrians and vehicular traffic on any such street or thoroughfare or part of any street or thoroughfare during the making of any film by or on behalf of the Corporation.

Films and
equipment of
Government
departments
may be
vested in
Corporation.

23—(1) The Governor may, by order, subject to such terms and conditions, if any, as he may specify, vest in the Corporation the ownership or custody of any films and any periodicals, books, and equipment for use in connection with film making, producing, distribution, and exhibition which are owned by or vested in the Government or any instrumentality or agency of the Government.

(2) Subject to this Act and to the terms and conditions of the vesting, the Corporation may utilize for the purposes of this Act the films, periodicals, books, and equipment so vested in it.

Regulations.

24—(1) The Governor may make such regulations as may be necessary or expedient for the purpose of giving effect to the provisions and objects of this Act.

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

- (a) prescribe all matters required to be prescribed or authorized by or under this Act and such other matters as are necessary or convenient for carrying out the provisions and objects of this Act;
- (b) provide for fees and charges to be payable under this Act and, if necessary, prescribe the fees and charges so payable;
- (c) prescribe additional powers and duties of the Corporation, the Director, or any officer of the Corporation; and
- (d) provide for and prescribe penalties not exceeding in each case \$1 000 for an offence against this Act or any provision of this Act.

THE SCHEDULE

(Section 9 (4))

Special provisions with respect to certain officers transferring from the Public Service to the Corporation

1.—(1) In this schedule, unless the contrary intention appears—

“ Board ” means the Public Service Appeal Board constituted under the *Public Service Act 1973*;

“ office ” means any office in the service of the Corporation.

“ transfer date ” means when used in relation to a person who becomes an officer of the Corporation pursuant to subsection (1) of section 9, the appointed day.

(2) In this schedule a transferred officer means any person referred to in subsection (4) of section 9 who—

(a) was not immediately before he became an officer of the Corporation, employed temporarily in the Public Service; and

(b) has not since becoming an officer of the Corporation at any time ceased to be such an officer.

(3) References in this schedule to the appointment of a person to an office shall be construed as including references to his transfer to that office from some other office.

2.—(1) Subject to sub-paragraph (2), any person who, under section 9, becomes an officer of the Corporation, retains, as an officer of the Corporation, the same rank, grade, and classification as, immediately before the transfer date, he had in his employment in the Public Service.

(2) Nothing in this paragraph prejudices or affects the exercise, in relation to an officer of the Corporation, of any power or authority that, under this Act or otherwise, would be exercisable in relation to him if he had become an officer of the Corporation otherwise than under section 9.

3.—(1) Subject to this paragraph, sections 24 to 36 (inclusive) of the *Public Service Act 1973* (in this paragraph referred to as “ the said provisions ”) have effect as if transferred officers were officers of the Public Service and their service as officers of the Corporation were service in the Public Service.

(2) References in the said provisions to the transfer or promotion of an officer shall, in relation to a transferred officer, be construed as references to his appointment to an office in the Public Service.

(3) Where a transferred officer is appointed to an office in the Public Service that appointment shall for the purposes of the said provisions be deemed not to be an appointment of an officer to the Public Service in the first instance.

(4) Where immediately before he became a transferred officer, a transferred officer held office in the Public Service on probation he shall be deemed, for the purposes of the said provisions, to continue to hold office in the service of the Corporation on probation until his appointment as an officer in that service is confirmed in accordance with regulations made under this Act.

(5) Nothing in this paragraph authorizes the appointment of any transferred officer to any office in the Public Service except on his application and with his consent, and sections 34 and 35 of the *Public Service Act 1973* do not apply to transferred officers.

(6) This paragraph does not apply to the transfer or promotion of an officer of the Corporation to any office in the service of the Corporation.

4.—(1) Subject to this paragraph a transferred officer has a right of appeal in respect of an appointment to any office, and that right of appeal may be exercised in accordance with this paragraph.

(2) Where a vacancy in an office has been advertised in the prescribed manner no transferred officer has a right of appeal in respect of an appointment to that vacancy unless he has applied for appointment thereto in accordance with the advertisement.

(3) Before the appointment of any person to a vacancy in an office the Corporation—

- (a) if the vacancy has been advertised in the manner referred to in sub-paragraph (2), shall cause every transferred officer who has applied for appointment to that vacancy in accordance with that advertisement, to be notified of the intention to appoint that person to that vacancy; or
- (b) if the vacancy is not so advertised, shall cause to be published in the prescribed manner a notice of the intention to appoint that person to that vacancy.

(4) A right of appeal of a transferred officer under this paragraph may be exercised by lodging with the chairman of the Public Service Board, within 14 days of the relevant date, a notice of appeal accompanied by 4 copies of a written statement setting forth fully the matters that the transferred officer desires the Board to consider on the hearing of the appeal.

(5) For the purposes of sub-paragraph (4) the relevant date is—

- (a) the date on which the appellant was notified under sub-paragraph (3);
or

(b) the date on which the notice of the intention to make that appointment was published under that sub-paragraph.

(6) The chairman of the Public Service Board shall forward to the Board each notice of appeal lodged with him under sub-paragraph (4), and, on the receipt of the notice, the Board shall proceed to hear and determine the appeal.

(7) A person entitled to appear before the Board at the hearing of an appeal is entitled to tender to the Board such evidence as he thinks necessary and to examine any person tendering evidence to the Board.

(8) The Board may summon any person to give evidence on the hearing of an appeal under this paragraph.

(9) The Board may, in its absolute discretion, summarily disallow any appeal under this paragraph that, in the opinion of the Board, is frivolous or vexatious or if in its opinion the appellant does not possess the necessary qualifications for appointment to the vacancy.

(10) On the determination of an appeal under this paragraph the Board shall notify the Corporation and the appellant of the result of the appeal.

(11) If an appeal under this paragraph is upheld the Corporation shall appoint the appellant to the vacant office.

(12) This paragraph does not apply to the transfer of an officer to another office not higher in grade or classification than that previously held by him.

(13) No person is entitled to appeal under this paragraph if he—

(a) holds his office in the service of the Corporation on probation pursuant to sub-paragraph (4) of paragraph 3;

(b) has not attained the age of 18 years; or

(c) is of the opposite sex to that specified in the advertisement or notice referred to in sub-paragraph (2) or sub-paragraph (3) as the sex of the person by whom the vacancy is to be filled.

5. For the purposes of the election of any member to the Board a transferred officer shall be deemed to be an officer of the Public Service.

