

**TASMANIAN FILM CORPORATION AMENDMENT ACT
1982**

No. 31 of 1982

TABLE OF PROVISIONS

- | | |
|---|---|
| <ol style="list-style-type: none"> 1. Short title. 2. Principal Act. 3. Amendment of section 2 of Principal Act (Interpretation). 4. Substitution of section 5 of Principal Act.
 5—Corporation subject to control of Minister. 5. Amendment of section 6 of Principal Act (Functions and powers of Corporation). 6. Insertion in Principal Act of new Division III. | <p style="text-align: center;"><i>Division III—Appointment and powers of administrator</i></p> <p>6A—Appointment and powers of administrator.</p> <p>6B—Expenses of administration.</p> <p>6C—Liability for losses incurred during administration.</p> <ol style="list-style-type: none"> 7. Repeal of section 23 of Principal Act (Films and equipment of Government departments may be vested in Corporation). 8. Amendment of the Schedule to Principal Act. 9. Power to acquire, hold, and dispose of, property. |
|---|---|



**TASMANIAN FILM CORPORATION AMENDMENT ACT
1982**

No. 31 of 1982

AN ACT to amend the Tasmanian Film Corporation Act 1977 for the purpose of making further provision with respect to Ministerial directions that may be given to the Tasmanian Film Corporation, for the purpose of providing for the appointment of an administrator to administer the affairs and activities of the Tasmanian Film Corporation, and for other purposes.

[Royal Assent 9 September 1982]

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:—

1—This Act may be cited as the *Tasmanian Film Corporation Amendment Act 1982*. Short title.

2—In this Act, the *Tasmanian Film Corporation Act 1977** is Principal Act. referred to as the Principal Act.

* No. 34 of 1977. Amended by No. 26 of 1979 and No. 9 of 1982.

Amendment of section 2 of Principal Act (Interpretation).

3—Section 2 of the Principal Act is amended by inserting “ and, where an administrator is appointed under section 6A, includes the administrator ” after “ section 3 ” in the definition of “ Corporation ”.

Substitution of section 5 of Principal Act.

4—Section 5 of the Principal Act is repealed and the following section is substituted:—

Corporation subject to control of Minister.

5—(1) The Corporation shall be subject to the control of the Minister.

(2) The Minister may, for the purpose of enabling him to exercise the control referred to in subsection (1), from time to time give a direction in writing to the Corporation and the Corporation shall comply with any such direction.

(3) The power conferred on the Minister by subsection (2) may be exercised notwithstanding that the direction would have the effect of preventing the Corporation from performing any of its functions or exercising any of its powers under this or any other Act.

(4) The Corporation is not bound by a direction given under subsection (2) unless the direction is in writing and signed by the Minister.

(5) The fact that the Minister has power to give a direction to the Corporation under this section or gives such a direction does not have the effect of—

- (a) making the Corporation the servant or agent of the Crown for the purposes of this or any other Act; or
- (b) conferring on the Corporation any status, privilege, or immunity of the Crown.

Amendment of section 6 of Principal Act (Functions and powers of Corporation).

5—Section 6 of the Principal Act is amended by omitting subsection (4).

6—After Division II of Part II of the Principal Act, the following Division is inserted:—

Insertion in
Principal Act
of new
Division III.

Division III—Appointment and powers of administrator

6A—(1) The Governor may, by instrument in writing, appoint an administrator to administer the affairs and activities of the Corporation if—

Appointment
and powers of
administrator.

- (a) the Minister certifies in writing that the Corporation has failed to comply with a direction given to it under section 5; or
- (b) the Minister certifies in writing that it is in the public interest for an administrator to be appointed to administer the affairs and activities of the Corporation.

(2) An officer of the Public Service may, with the approval of the Public Service Board, hold office as administrator of the Corporation in conjunction with his office in the Public Service.

(3) On the appointment of an administrator under subsection (1), the Minister shall serve on the Corporation a copy of the instrument of the appointment and on the service of the copy of that instrument—

- (a) the functions of the Corporation shall be performed, and the powers of the Corporation may be exercised, by the administrator in the name and on behalf of the Corporation until his office is vacated under this section;
- (b) the members of the Corporation, including the Director, shall cease to hold office;
- (c) the administrator shall assume, and be responsible for, the management of the Corporation; and
- (d) any delegation made by the Corporation shall cease to have effect.

(4) Subject to this section, an administrator appointed under this section—

- (a) shall, as soon as practicable after his appointment as such, take into his custody or under his control all the property and things in action to which the Corporation is or appears to be entitled; and
- (b) shall, subject to and in accordance with any direction given to him by the Minister, perform the functions and exercise the powers of the Corporation in such manner as the administrator thinks fit.

(5) An administrator of the Corporation shall be deemed to have vacated his office if—

- (a) he dies;
- (b) he becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors, or makes an assignment of his remuneration or estate for their benefit;
- (c) he becomes liable to be detained under the *Mental Health Act 1963* in a hospital, being a hospital within the meaning of section 3 (1) of that Act;
- (d) he is convicted in Tasmania of a crime or an offence which is punishable by imprisonment for 12 months or upwards, or if he is convicted elsewhere than in Tasmania of an offence which, if committed in Tasmania, would be a crime or an offence so punishable or has been convicted, whether in Tasmania or elsewhere, of a crime or offence for which he has been sentenced to imprisonment;
- (e) he resigns his office by writing under his hand addressed to the Governor; or
- (f) his appointment is revoked by the Governor under subsection (6).

(6) The Governor may revoke the appointment of an administrator appointed under this section.

(7) Where the office of administrator is deemed to have been vacated under subsection (5), the Governor may, by instrument in writing, appoint another person to fill the vacancy.

(8) An administrator appointed under this section shall be paid such remuneration, allowances, and expenses (if any) as the Governor may determine.

(9) Notwithstanding subsection (8), where an officer of the Public Service is appointed as administrator under this section, he is entitled to receive, by way of remuneration, allowances, and expenses, such amounts (if any) as the Governor, on the recommendation of the Public Service Board, may determine.

6B—(1) The expenses of and incidental to the administration of the affairs and activities of the Corporation by an administrator appointed under section 6A are payable by the Corporation.

Expenses of
administration.

(2) The remuneration, allowances, and expenses of an administrator of the Corporation who is not an officer of the Public Service is an expense referred to in subsection (1).

(3) Where an administrator of the Corporation is an officer of the Public Service, the reimbursement of the Crown of an amount certified by the Public Service Board in respect of the remuneration, allowances, and expenses of that officer is an expense referred to in subsection (1).

6C—An administrator of the Corporation is not liable for any loss incurred by the Corporation during his term of office unless the loss was attributable to—

Liability
for losses
incurred
during
administration.

(a) his wilful misconduct;

(b) his gross negligence; or

(c) his wilful failure to comply with any provision of this Act.

7—Section 23 of the Principal Act is repealed.

Repeal of
section 23 of
Principal Act
(Films and
equipment of
Government
departments
may be vested
in Corpora-
tion).

8—The Schedule to the Principal Act is amended by omitting paragraph 3 (5).

Amendment
of the
Schedule to
Principal Act.

9—The Corporation shall have, and be deemed always to have had, the power to acquire, hold, and dispose of, property.

Power to
acquire,
hold, and
dispose of,
property.

