



ANNO VICESIMO NONO
ELIZABETHAE SECUNDAE REGINAE
VICTORIA

Victorian Film Corporation (Amendment) Act 1980

No. 9376

An Act to amend the *Victorian Film Corporation Act*
1976.

[Assented to 6 May 1980]

BE IT ENACTED by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say):

Short title.

1. (1) This Act may be cited as the *Victorian Film Corporation (Amendment) Act* 1980.

Principal Act
No. 8864.
Amended by
Act No. 9090.
Commence-
ment.

(2) In this Act the *Victorian Film Corporation Act* 1976 is called the Principal Act.

(3) This Act shall come into operation on a day to be fixed by proclamation of the Governor in Council published in the *Government Gazette*.

Amendment of
No. 8864, s. 9.

2. Section 9 of the Principal Act shall be amended as follows:

- (a) In sub-section (1) the expression “, subject to sub-section (3),” is repealed; and
- (b) For sub-sections (2) and (3) there shall be substituted the following sub-sections:

Deputies.

“(2) The Governor in Council may appoint any person to be the deputy of a member to act in the event of that member being absent from Victoria or being incapable of discharging his duties as a member through illness or other incapacity or for any other reason.

(3) The

(3) The deputy of the chairman shall not *ipso facto* be entitled to act as the chairman of any meeting.”

3. Section 13(2) of the Principal Act shall be amended as follows:

Amendment
of No. 8864,
s. 13.

(a) After paragraph (a) there shall be inserted the following paragraph:

“(aa) to enter into arrangements or agreements on such terms as the Corporation deems fit for the purchase of an interest in a film produced or to be produced for the entertainment, instruction and information of the public in consideration of a share in the proceeds derived from the sale, hire or exhibition of the film or the inclusion of the film in television programs ;” ; and

(b) After paragraph (i) there shall be inserted the following paragraph:

“(j) to enter into agreements with any body or person with respect to any research and investigation undertaken by the Corporation under paragraph (i).”.

4. In section 13A (3) of the Principal Act, the expression “or a person acting as the chairman pursuant to section 9” is repealed.

Amendment of
No. 8864 s. 13A.

5. For section 16 of the Principal Act there shall be substituted the following sections:

Amendment
of No. 8864
s. 16.

“16. (1) The Corporation shall cause to be established and kept a fund to be called the general fund.

(2) There shall be paid into the general fund—

(a) any moneys standing to the credit of the Victorian Film Corporation in the Arts Fund kept in the Treasury pursuant to the provisions of the *Ministry for the Arts Act 1972*;

(b) all moneys appropriated by Parliament for the purposes of this Act;

(c) all moneys deposited with or borrowed by the Corporation under this Act;

(d) all moneys received in respect of the repayment of loans made by the Corporation under this Act and any charges or interest in connexion therewith;

(e) all moneys received by the Corporation by way of advances from the Works and Services Account;

(f) interest on moneys in accounts invested pursuant to this Act;

(g) any other moneys received by the Corporation.

(3) The

- (3) The Corporation may apply moneys in the general fund—
- (a) in the making of loans and grants under this Act;
 - (b) in the payment of any expenses incurred in the administration of this Act;
 - (c) in payment of remuneration and allowances payable under this Act;
 - (d) in repayment of money borrowed by the Corporation under this Act and any charges or interest thereon;
 - (e) in repayment of money to the Public Account under this Act; and
 - (f) in any other way authorized by this Act.

(4) The Corporation shall cause moneys to the credit of the fund to be paid into an account or accounts to be kept in the State Savings Bank of Victoria or any other bank or banks approved by the Treasurer for the purpose.

(5) In addition to the powers conferred by section 13 (2), paragraph (aa), the Corporation may invest moneys held by it which are not required for the purposes of this Act in such manner as is approved by the Treasurer from time to time.

Treasurer may
make advances
to the
Corporation.

16A. (1) The Treasurer may out of moneys standing to the credit of the Works and Services Account from time to time make advances to the Corporation for the purposes of this Act and the Works and Services Account is hereby to the necessary extent appropriated accordingly.

(2) Such advances shall be made on such terms and conditions as the Treasurer from time to time determines.

Borrowing
powers of the
Corporation.

16B. The Corporation may, with the approval of the Treasurer and subject to such terms, conditions and limits as the Treasurer imposes, borrow moneys whether by way of overdraft or otherwise.

Power to
Treasurer to
execute
guarantee.

16C. (1) The Treasurer may execute in favour of a person lending money to the Corporation a guarantee guaranteeing the repayment of the loan.

- (2) A guarantee by the Treasurer pursuant to sub-section (1)—
- (a) shall, subject to this sub-section, be in such form and subject to such terms and conditions as he thinks fit;
 - (b) may extend to any interest charges and other expenses chargeable by the person making the loan and the expenses of enforcing or obtaining or endeavouring to enforce or obtain repayment of the loan and those interest charges and expenses;
 - (c) shall be subject to a condition that the person making the loan shall obtain, take and hold or retain and hold securities

securities of such nature as the Treasurer may require for the repayment of the loan and the payment of any interest charges and expenses;

- (d) shall be subject to a condition that the person making the loan shall not without the prior consent in writing of the Treasurer assign or encumber the benefit of the guarantee; and
- (e) shall not be enforceable against the Treasurer unless the person making the loan has, to the Treasurer's satisfaction, exercised its rights and remedies under all securities held by or for it in respect of the loan and any interest charges and expenses.

(3) Any sums required by the Treasurer in fulfilling any guarantee given under this Act shall be paid out of the Consolidated Fund (which is hereby to the necessary extent appropriated accordingly) and any sums received or recovered by the said Treasurer in respect of any sums so paid by the Treasurer shall be paid into the Consolidated Fund.

16D. (1) The Corporation shall cause to be kept proper accounts and records of its transactions and affairs.

Accounts.

(2) The Corporation shall at the end of each financial year prepare a statement of accounts in a form appropriate to the activities of the Corporation including such information as is necessary to give a true and fair view of the financial transactions and state of affairs of the Corporation.

(3) The statement of accounts shall be audited by the Auditor-General, who shall have in respect of the accounts and records of the Corporation all the powers conferred on him by any law now or hereafter in force relating to the audit of the public accounts.

(4) The Corporation shall pay each year to the Consolidated Fund an amount to be determined by the Auditor-General to defray the costs and expenses of the audit under this section.

(5) The financial year of the Corporation shall be the year ending on the last day of June."

6. For section 17 of the Principal Act there shall be substituted the following section:

Amendment of
No. 8864 s. 17.

"17. (1) The Corporation may employ as many persons as it considers necessary to be employed for carrying out the objects and purposes of this Act.

Employés.

(2) Persons

(2) Persons employed by the Corporation shall be employed on such conditions as the Corporation with the approval of the Governor in Council from time to time determines and shall be paid—

- (a) such remuneration as is fixed from time to time by the Corporation with the approval of the Governor in Council; and
- (b) such travelling and other allowances as are fixed from time to time by the Corporation with the approval of the Governor in Council.

(3) A person employed by the Corporation is not, in respect of his employment as such an employé, subject to the provisions of the *Public Service Act* 1974.

(4) A person employed by the Corporation prior to the commencement of the *Victorian Film Corporation (Amendment) Act* 1980 or a person employed by the Corporation within twelve months of the commencement of the *Victorian Film Corporation (Amendment) Act* 1980, who was immediately before his employment by the Corporation an officer of the public service shall—

- (a) upon the termination of his employment by the Corporation for any reason other than misconduct incompetence or ill health, be entitled to be appointed by the Public Service Board to some office in the public service with a classification and emolument corresponding with or higher than that which he held in the public service immediately before his appointment as an employé of the Corporation as if his services as such an employé had been service in the public service and to be classified accordingly; and
- (b) for the purposes of sections 47 and 48 of the *Public Service Act* 1974, be deemed to continue to be a member of the public service while he is employed by the Corporation.

(5) A person employed by the Corporation prior to the commencement of the *Victorian Film Corporation (Amendment) Act* 1980 or a person employed by the Corporation within twelve months of the commencement of the *Victorian Film Corporation (Amendment) Act* 1980, who immediately before his employment as such an employé was an officer within the meaning of the *Superannuation Act* 1958 or any corresponding previous enactment shall, subject to that Act, continue, whilst employed by the Corporation, to be an officer within the meaning of that Act.”.

7. For section 19 of the Principal Act there shall be substituted the following section:

Amendment
of No. 8864
s. 19.

"19. (1) The Corporation shall as soon as practicable after the end of each financial year and not later than the following 31st day of December submit to the Minister a report of its operations during the financial year together with the audited statement of accounts.

Annual report.

(2) The Minister shall cause the report and audited statement of accounts submitted to him under this section to be laid before the Legislative Council and the Legislative Assembly before the expiration of the fourteenth sitting day of the Council or the Assembly (as the case may be) after the report and accounts have been received by him."