Australian Film Commission Amendment Act 1988

No. 74 of 1988

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Australian Film Commission Amendment Act 1988

No. 74 of 1988

An Act to amend the *Australian Film Commission Act 1975*

[*Assented to 24 June 1988*]

BE IT ENACTED by the Queen, and the Senate and the House of Representatives of the Commonwealth of Australia, as follows:

Short title etc.

1. (1) This Act may be cited as the *Australian Film Commission Amendment Act 1988*.

(2) In this Act, "Principal Act" means the *Australian Film Commission Act 1975*[1].

Commencement

2. This Act commences on a day to be fixed by Proclamation.

Interpretation

3. Section 3 of the Principal Act is amended:

(a) by omitting paragraph (a) of the definition of "Australian short film" in subsection (1);

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(b) by omitting "other" from paragraph (b) of the definition of "Australian short film" in subsection (1);

(c) by omitting from subsection (1) the definitions of "general activities" and "special activities".

Functions of Commission

4. Section 5 of the Principal Act is amended by omitting paragraph (1) (b) and substituting the following paragraph:

"(b) to promote and distribute any programs;".

Commission may form company for certain purposes etc.

5. Section 7 of the Principal Act is amended by omitting "making,".

Repeal of section 9

6. Section 9 of the Principal Act is repealed.

Bank accounts

7. Section 32 of the Principal Act is amended:

(a) by omitting subsection (1);

(b) by omitting from subsection (2) "the general activities" and substituting "the functions";

(c) by omitting subsection (3);

(d) by omitting from subsection (4) "general activities" and "those activities" and substituting "functions" and "those functions", respectively.

Application of moneys by Commission

8. Section 33 of the Principal Act is amended by omitting from subsection (2) "for the purposes of the general activities of the Commission".

Estimates

9. Section 34 of the Principal Act is amended by omitting subsections (2), (3) and (4).

Proper accounts to be kept

10. Section 37 of the Principal Act is amended by omitting from subsection (2) "in relation to the general activities of the Commission".

Heading to Part VI

11. The heading to Part VI of the Principal Act is amended by omitting "**WITH RESPECT TO ASSETS**".

Insertion of new heading in Part VI

12. Before section 39 of the Principal Act the following heading is inserted in Part VI:

"Division 1—Australian Film Development Corporation".

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Insertion of new Division in Part VI

13. After section 39 of the Principal Act the following Division is inserted in Part VI:

"Division 2—Film Australia

Interpretation

"40. In this Division:

'assets' includes:

(a) plant, machinery, equipment, office furniture, fittings, motor vehicles and stock in trade;

(b) debts due to the Commission and the benefit of any securities for those debts;

(c) any benefit that is capable of assignment under a contract;

(d) any other property, right or interest to which the Commission is entitled and which it may assign; and

(e) all relevant records maintained by the Commission;

but does not include an estate or interest in land;

'commencing day' means the day on which this Division commences;

'Film Australia' means the company named 'Film Australia Pty. Limited' that is incorporated under the law in force in the Australian Capital Territory relating to companies;

'special functions', in relation to the Commission, means the making, or the commissioning of the making, or the promotion or distribution, by the Commission of programs referred to in subparagraph 5 (1) (b) (i), (ii) or (iii) as in force immediately before the commencing day.

Transfer of certain assets, liabilities etc. from Commission to Film Australia

"40A. (1) The Commission shall transfer, or cause to be transferred, to Film Australia such assets as the Minister specifies in writing, being assets that were, immediately before the commencing day, owned by the Commission and held or used in connection with its special functions.

"(2) Film Australia becomes, on the commencing day, by force of this subsection, liable to pay and discharge all debts, liabilities and obligations incurred by the Commission before the commencing day in connection with its special functions.

Transfer of certain staff from Commission to Film Australia

"40B. (1) Where the Minister certifies in writing that a special function of the Commission is to be performed by Film Australia, the Minister may, by notice published in the *Gazette*, declare that specified persons, being members of the staff of the Commission who performed, or took part in the

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performance of, that function, are, on the specified day, in the employment of Film Australia.

"(2) A person specified in a declaration:

(a) ceases to be a member of the staff of the Commission on the day specified in the declaration; and

(b) is employed by Film Australia from and including that day.

"(3) Film Australia may, despite anything in any other law (other than an industrial award), determine special terms and conditions of employment (other than terms and conditions with respect to superannuation) that are to apply to persons transferred under this section to Film Australia.

Agreements etc. to which Commission is a party

"40C. Any agreement or instrument (other than an industrial award) in force immediately before the commencing day:

(a) that arose out of the special functions of the Commission; and

(b) to which the Commission was a party;

has effect on and after that day, as if:

(c) Film Australia were substituted for the Commission as a party to the agreement or instrument; and

(d) any reference in the agreement or instrument to the Commission were a reference to Film Australia.

Annual report to the Parliament

"40D. (1) Film Australia shall, as soon as practicable after the end of each financial year, submit to the Minister for presentation to the Parliament a report relating to the operations of Film Australia during that financial year.

"(2) The Minister shall cause a copy of such a report to be laid before each House of the Parliament within 15 sitting days of that House after the Minister receives the report.

"(3) This section does not affect the obligations of Film Australia to make reports in accordance with the law in force in the Australian Capital Territory relating to companies.".

Annual report and financial statements

14. Section 44 of the Principal Act is amended:

(a) by omitting paragraph (2) (b);

(b) by omitting from paragraph (2) (c) ", in so far as they relate to the general activities of the Commission,".

NOTE

1. No. 6, 1975, as amended. For previous amendments, see No. 107, 1976; No. 36, 1978; No. 71, 1980; No. 61, 1981; and No. 65, 1985.

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Australian Film Commission Amendment No. 74, 1988

[*Minister's second reading speech made in—*
House of Representatives on 18 May 1988
Senate on 24 May 1988]

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