



# Torres Strait Regional Authority (Conflict of Interests) Directions 2003

---

I, PHILIP MAXWELL RUDDOCK, Minister for Immigration and Multicultural and Indigenous Affairs, give these Directions to the Torres Strait Regional Authority under subsection 142E (1) of the *Aboriginal and Torres Strait Islander Commission Act 1989*.

Dated 3 February 2003

PHILIP RUDDOCK

Minister for Immigration and Multicultural and Indigenous Affairs

---

## 1 Name of Directions

These Directions are the *Torres Strait Regional Authority (Conflict of Interests) Directions 2003*.

## 2 Commencement

These Directions commence when they are given to the Torres Strait Regional Authority.

## 3 Definitions

(1) In these Directions:

*Act* means the *Aboriginal and Torres Strait Islander Commission Act 1989*.

*director*, of a body corporate, means:

- (a) for a body corporate within the meaning of the *Corporations Act 2001* — a person who:
    - (i) is appointed to the position of a director; or
    - (ii) is appointed to the position of an alternate director and is acting in that capacity;
- regardless of the name that is given to their position; and

### Section 3

---

- (b) for a body corporate that is an Incorporated Aboriginal Association within the meaning of the *Aboriginal Councils and Associations Act 1976* — a member of the Governing Committee of the Incorporated Aboriginal Association; and
- (c) for any other body corporate — a person who would be a director of the body corporate under paragraph (a) if the body corporate were a body corporate within the meaning of the *Corporations Act 2001*; and
- (d) a person who, whether or not the person is a director of a body corporate under paragraph (a), (b) or (c) (**formal director**):
  - (i) acts in the position of a formal director of the body corporate; or
  - (ii) subject to subsection (3), is a person in accordance with whose instructions or wishes the formal directors of the body corporate are accustomed to act; or
  - (iii) is a member of a board, committee or group of persons (however described) that is responsible for managing or overseeing the affairs of the body corporate.

**official director**, of a body corporate, means a person who is a director:

- (a) because the person was appointed by a Minister as a director; or
- (b) in the person's capacity as a relevant person.

**related body corporate** means a body corporate (other than the TSRA, the Commission, or a Regional Council):

- (a) of which a relevant person is a director (other than an official director); or
- (b) over which a relevant person is in a position to exercise control (other than in the person's capacity as an official director).

- (2) In these Directions, each of the following is a **relevant person**:
  - (a) the Chairperson of the TSRA;
  - (b) the TSRA General Manager;
  - (c) a member of the staff of the TSRA who is:
    - (i) required to assist the TSRA in the performance of its functions; and
    - (ii) engaged under the *Public Service Act 1999*; and
    - (iii) a delegate of the TSRA or a sub-delegate of the TRSA General Manager.
- (3) Subparagraph (d) (ii) of the definition of **director** in subsection (1) does not apply merely because the directors act on advice given by the person in the proper performance of functions attaching to the person's professional capacity, or the person's business relationship with the formal directors or the body corporate.

*Note* Other terms defined or used in the Act have the same meaning in these Directions (see *Acts Interpretation Act 1901*). These include the following:

- TSRA
- Chairperson of the TSRA
- TSRA General Manager.

**4 Grants and loans**

The TSRA must not, under subsection 142F (1) of the Act:

- (a) make a grant of money to a related body corporate; or
- (b) grant an interest in land to a related body corporate; or
- (c) grant an interest in personal property to a related body corporate; or
- (d) make a loan of money (whether secured or unsecured) to a related body corporate.

**5 Guarantees**

The TSRA must not, under subsection 142G (1) of the Act, guarantee the due payment of money (including interest) payable by a borrower that is a related body corporate.