

1991
THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Attorney-General)

**Canberra Theatre Trust (Amendment) Bill
1991**

**A BILL
FOR**

**An Act to amend the *Canberra Theatre Trust Act*
1965**

The Legislative Assembly for the Australian Capital Territory enacts as follows:

Short title

- 5 1. This Act may be cited as the *Canberra Theatre Trust (Amendment) Act 1991*.

Principal Act

2. In this Act, "Principal Act" means the *Canberra Theatre Trust Act 1965*.¹

Employment of staff

- 10 3. Section 22 of the Principal Act is amended by omitting from

81116/91 1990/1787 (T116/91)

subsection (2) "The terms" and substituting "Subject to section 22A, the terms".

Insertion

5 4. After section 22 of the Principal Act the following section is inserted:

Personnel management

"22A. (1) The Trust's powers in relation to employment matters shall be exercised—

- (a) without patronage, favouritism or unjustified discrimination; and
- 10 (b) with regard to the equal opportunity program for the Trust.

"(2) Without limiting the generality of paragraph (1) (a), and subject to paragraph (1) (b), the Trust's powers in relation to employment matters shall be exercised in accordance with procedures that ensure that where a person is to be selected for engagement for a period exceeding 3 months, or
15 for advancement, by the Trust—

- (a) all persons who are eligible have, so far as practicable, a reasonable opportunity to apply for selection; and
- (b) the selection is made on the basis of an assessment of the relative suitability of the applicants having regard to—
 - 20 (i) the nature of the duties to be performed; and
 - (ii) the abilities, qualifications, experience, personal qualities and potential for development of each applicant that are relevant to the performance of the duties.

25 "(3) A reference in this section to the exercise of a power shall be read as including a reference to the making of a report or recommendation in relation to the exercise of that power.

"(4) For the purposes of paragraph (1) (b), the Chairperson shall, after consulting with each relevant staff organisation and such other persons as the Chairperson considers appropriate—

- 30 (a) develop an equal employment opportunity program for the Trust; and
- (b) from time to time, review that program.

35 "(5) The Chairperson shall comply with paragraph (4) (a) as soon as practicable and, in any event, within 12 months after the commencement of this section.

"(6) As soon as practicable after development or review of the equal

employment opportunity program, the Chairperson shall provide the Head of Administration with written particulars of the program.

5 “(7) The Head of Administration may, from time to time, by notice in writing given to the Chairperson, issue guidelines to the Chairperson on the provisions to be made by the equal employment opportunity program, and on the development, implementation or review of the program.

 “(8) The Chairperson shall take any action necessary to give effect to the equal employment opportunity program and to comply with any guidelines issued under subsection (7).

10 “(9) The Chairperson shall furnish to the Minister a written report relating to the operation of this section during each financial year.

 “(10) In this section—

15 ‘advancement’ means movement within the Trust resulting in an employee undertaking work, and being remunerated, at a higher level than previously;

 ‘designated group’ means any of the following classes of persons:

- 20 (a) members of the Aboriginal race of Australia or persons who are descendants of indigenous inhabitants of the Torres Strait Islands;
- (b) persons who have migrated to Australia and whose first language is a language other than English, and the children of such persons;
- (c) persons who are physically or mentally disabled;
- 25 (d) any other class of persons declared by the regulations to be a designated group for the purposes of this definition;

 ‘employment matter’, in relation to the Trust, means—

- (a) the selection of persons by the Trust for engagement or advancement;
- (b) the transfer of employees to positions in the Trust;
- 30 (c) training and staff development for employees of the Trust;
- (d) the conditions of service of employees of the Trust; or
- (e) any other matter related to the employment of persons by the Trust;

35 ‘equal employment opportunity program’, in relation to the Trust, means a program designed to ensure that—

- (a) appropriate action is taken to eliminate unjustified discrimination against women and persons in designated groups in relation to employment matters; and
- 5 (b) measures are taken to enable employees who are women or persons in designated groups—
 - (i) to compete for engagement, transfer and advancement; and
 - (ii) to pursue careers;
 as effectively as other persons and to have equal
- 10 opportunities with others in relation to other employment matters;

'relevant staff organisation' means an organisation—

- (a) within the meaning of the *Industrial Relations Act 1988* of the Commonwealth;
- 15 (b) in which a person employed by the Trust would be eligible for membership; and
- (c) that is a party to an industrial award that applies in relation to the salary payable in respect of that employment;

'unjustified discrimination' includes—

- 20 (a) discrimination that is unlawful under the *Human Rights and Equal Opportunity Act 1991*; and
- (b) unjustified discrimination on the ground of age or social origin;

but does not include—

- 25 (c) discrimination that is essential for the effective performance of the relevant duties, is not unlawful under the *Human Rights and Equal Opportunity Act 1991* and is prescribed; or
- 30 (d) discrimination that is not unlawful under the *Human Rights and Equal Opportunity Act 1991* and is in accordance with the equal employment opportunity program for the Trust or with a prescribed program.”.

Chairperson

- 35 5. Each of the following provisions of the Principal Act is amended by omitting “Chairman” (wherever occurring) and substituting “Chairperson”:

Section 3 (definitions of “the Chairman”, “the Deputy Chairman” and

"trustee") and subsections 7 (1), (2), (3) and (4), 11 (2) and 15 (1), (2) and (3).

NOTE

1. Ordinance No. 7, 1965 as amended by No. 19, 1966; No. 22, 1967; No. 33, 1968; No. 20, 1974; No. 61, 1976; Nos. 64 and 65, 1977; No. 11, 1978; Nos. 3 and 49, 1983; No. 94, 1986; No. 43, 1988; Nos. 21, 38 and 50, 1989; Acts Nos. 23 and 25, 1990.

NOTE ABOUT SECTION HEADING

On the day on which the *Canberra Theatre Trust Act 1965* is amended by this Act, the heading to section 7 of that Act is omitted and the following heading substituted "Chairperson and Deputy Chairperson".