

THE TRINIDAD AND TOBAGO NATIONAL STEEL
SYMPHONY ORCHESTRA CORPORATION BILL, 2008

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No. 6 of 2008

First Session Ninth Parliament Republic of
Trinidad and Tobago

HOUSE OF REPRESENTATIVES

BILL

AN ACT to establish the Trinidad and Tobago National
Steel Symphony Orchestra Corporation and for
matters incidental thereto

THE TRINIDAD AND TOBAGO NATIONAL STEEL
SYMPHONY ORCHESTRA CORPORATION BILL, 2008

Explanatory Note

(These notes form no part of the Bill but are intended only to indicate its general purport)

The Bill seeks to repeal the Trinidad and Tobago National Steel Orchestra Act, 1999 and replace it with a new Act which would establish the Trinidad and Tobago National Steel Symphony Orchestra Corporation and to provide for matters related thereto.

The Bill is divided into six parts.

Part I of the Bill contains clauses 1 to 3.

Clause 1 would provide for the short title.

Clause 2 would provide for the commencement of the Act.

Clause 3 would provide for the interpretation of certain terms.

Part II of the Bill would contain clauses 4 to 12 and would address matters related to the establishment of the Trinidad and Tobago National Steel Symphony Orchestra Corporation (“the Corporation”) and the Trinidad and Tobago National Steel Symphony Orchestra Board (“the Board”).

Clause 4 would provide for the establishment and objectives of the Corporation.

Clause 5 would provide that the seal of the Corporation shall be kept in the custody of the Secretary of the Board and for the manner in which it is to be used.

Clause 6 would provide for the business of the Corporation to be managed by the Board, the composition of the Board and matters related thereto.

Clause 7 would provide for the appointment of a Chairman and Deputy-Chairman of the Board.

Clause 8 would provide for the procedure to be adopted at meetings and other matters relating to meetings, including the quorum, minutes and co-opting of persons to attend Board meetings.

Clause 9 would provide for the functions and powers of the Board.

Clause 10 would provide that the Minister may direct the Board as to policy.

Clause 11 would provide for the determination of the remuneration of members of the Board.

Clause 12 would require members of the Board to disclose any pecuniary interest that they have in a business or body corporate that conducts business with the Corporation and to give an undertaking to refrain from activity that would conflict with their functions and duties to the Corporation.

Part III of the Bill would contain clauses 13 and 14 and would provide for the staff of the Corporation.

Clause 13 would provide for the policies of the Board to be implemented by officers of the Corporation, namely, the Chief Executive Officer, the Artistic/Music Director and the Education Officer.

Clause 14 would provide for the employment of administrative, technical and other staff, including the Secretary to the Board.

Part IV would contain clauses 15 to 17.

Clause 15 would provide for the establishment of the Trinidad and Tobago National Steel Symphony Orchestra (“the Symphony Orchestra”).

Clauses 16 and 17 would identify the objectives and functions of the Symphony Orchestra, respectively.

Part V would contain clauses 18 to 24 and would provide for financial matters of the Corporation.

Clause 18 would provide for the establishment of the Trinidad and Tobago National Steel Symphony Orchestra Fund (“the Fund”) and for the sources of monies that shall comprise the Fund.

Clause 19 would provide for the various purposes or expenses to which the Fund may be applied.

Clause 20 would require the Board to keep proper accounts and records, to have its accounts audited and to submit financial statements to the Permanent Secretary and the Minister.

Clause 21 would require the Board to submit an annual report of the activities of the Symphony Orchestra to the Minister for laying in Parliament.

Clause 22 would provide that the Board shall be responsible for the real and personal property of the Corporation.

Clause 23 would require the Board to prepare and submit budgets to the Minister four months prior to the beginning of each financial year.

Clause 24 would provide for the financial year of the Board.

Part VI would contain clauses 25 to 27.

Clause 25 would provide that the Minister may make regulations, subject to negative resolution of Parliament, to give effect to the provisions of the Act.

Clause 26 would transfer all property that was held by or vested in the Trinidad and Tobago National Steel Orchestra Board to the Corporation.

Clause 27 would provide that any proceedings commenced by or against the Trinidad and Tobago National Steel Orchestra prior to the commencement of this Act, shall be continued by or against the Corporation.

Clause 28 would repeal the Trinidad and Tobago National Steel Orchestra Act, 1999.

BILL

AN ACT to establish the Trinidad and Tobago National
Steel Symphony Orchestra Corporation and for
matters incidental thereto

[, 2008]

ENACTED by the Parliament of Trinidad and Tobago as Enactment
follows:—

PART I

PRELIMINARY

- Short title **1.** This Act may be cited as the Trinidad and Tobago National Steel Symphony Orchestra Corporation Act, 2008.
- Commencement **2.** This Act comes into operation on such day as is fixed by the President by Proclamation.
- Interpretation **3.** In this Act—
 “Chairman” means the Chairman of the Board appointed under section 7;
 “Deputy-Chairman” means the Deputy-Chairman of the Board appointed under section 7.
 “Minister” means the Minister to whom responsibility for culture is assigned;
 “Secretary” means the Secretary appointed in accordance with section 14;
 “Symphony Orchestra” means the Trinidad and Tobago National Steel Symphony Orchestra established under section 15; and

PART II

ESTABLISHMENT OF THE TRINIDAD AND TOBAGO NATIONAL STEEL SYMPHONY ORCHESTRA CORPORATION AND THE BOARD

- Establishment of National Steel Symphony Orchestra Corporation and its objective **4.** (1) There is hereby established a body corporate to be known as “the Trinidad and Tobago National Steel Symphony Orchestra Corporation” (hereinafter referred to as “the Corporation”).
- (2) The objective of the Corporation is to produce a Symphony Orchestra which would be a flagship for musicianship, professionalism, ambassadorship and multicultural expression in Trinidad and Tobago and which would be the premier steel symphony orchestra in the world.

5. (1) The Corporation shall have a seal which shall Seal of the Corporation be kept in the custody of the Secretary.

(2) The seal of the Corporation shall be attested by the signature of the Chairman or a member of the Board duly authorized by the Board to act in that behalf and the Secretary.

(3) All documents, other than those required by any written law to be under seal and all decisions of the Board shall be signified under the hand of the Chairman, the Secretary or a member duly authorized by the Board.

6. (1) The business of the Corporation shall be Board of the Corporation managed by a Board to be known as “the Trinidad and Tobago National Steel Symphony Orchestra Board” hereinafter referred to as (“the Board”).

(2) The Board shall comprise of not less than seven nor more than eleven members appointed by the President as follows:

- (a) a person who has demonstrated expert knowledge of and skills in playing the steelpan;
- (b) a person holding a university degree in management;
- (c) a person with tertiary level qualification in financial accounting;
- (d) an educator with experience in the development of community outreach programmes;
- (e) a representative from the Ministry with responsibility for culture;
- (f) an attorney-at-law preferably with knowledge of intellectual property law;
- (g) a person holding a university degree in marketing or public relations or a person with experience in either discipline;

- (h) a representative from the Centre for Creative and Festival Arts of the University of the West Indies or the University of Trinidad and Tobago Academy of the Performing Arts or such other institution as may be specified by Order of the Minister;
- (i) one other person who by virtue of his skill or experience can contribute meaningfully to the work of the Board; and
- (j) the Artistic/Music Director and the Chief Executive Officer of the Symphony Orchestra who shall be *ex officio* members.

(3) Subject to the provisions of subsections (4), (5) and (6), the members of the Board shall hold office for a period of three years and are eligible for re-appointment.

(4) The President may terminate the appointment of a member of the Board where that member—

- (a) is guilty of misconduct in the performance of his duties;
- (b) is unable by reason of physical or mental incapacity to perform his duties;
- (c) becomes bankrupt or compounds with his creditors; or
- (d) is in breach of section 12.

(5) A member of the Board may resign his office by instrument in writing, addressed to the President and forwarded through the Minister.

(6) A member of the Board shall be deemed to have vacated his office if without leave of absence from the Board, he fails to attend three consecutive statutory meetings of the Board, or, without leave of absence from the Board, fails to attend a minimum of nine statutory meetings of the Board in any year.

(7) The appointment of any person as a member of the Board and the termination of appointment of any person as a member whether by death, resignation or otherwise, shall be published in the *Gazette*.

(8) If any member of the Board is temporarily prevented by illness or other cause from exercising his functions, the President may appoint some other person to act in his stead for the period of such illness or incapacity.

(9) The appointment of a person as a member of the Board to fill the vacancy occurring under subsection (4), (5) or (6) shall be for the unexpired portion of the term of the member to whose office that person has been appointed.

(10) Subsections (3), (4), (5), (6), (8) and (9) shall not apply to the *ex officio* members of the Board.

7. (1) There shall be a Chairman and Deputy-Chairman of the Board who shall be appointed by the President from among its members for a period of three years.

Appointment of
Chairman and
Deputy-Chairman

(2) The Chairman and Deputy-Chairman may resign from such office at any time by instrument in writing, addressed to the President and forwarded through the Minister.

8. (1) The Board shall meet at least once every two months and at such other times as may be necessary or expedient for the transaction of business and such meetings shall be held at such place and time and on such days as the Board may determine.

Procedure and
meetings of the
Board

(2) The Chairman may at any time call a special meeting, within seven days of receipt of a request for that purpose addressed to him by any five members of the Board.

(3) The Chairman shall preside at all meetings except that where he is absent, the Deputy-Chairman shall preside over the meeting, or where they are both absent, the members of the Board shall appoint a member present to act as the Chairman for that meeting and the person so appointed shall have and may exercise all the powers and functions of the Chairman for the purpose of that meeting.

(4) A majority of the members of the Board shall constitute a quorum.

(5) The Board shall be deemed to be properly constituted for all purposes, notwithstanding any vacancy in its membership or any defect in the appointment of its members.

(6) Minutes of the meeting shall be kept by the Secretary and shall be confirmed by the Chairman or the Chairman presiding at the subsequent meeting.

(7) Certified copies of the Minutes when so confirmed shall be forwarded to the Minister.

(8) The Board may co-opt any one or more persons, including members of staff employed in accordance with sections 13(c) and 14, to attend its meetings for the purpose of assisting or advising the Board, but no such co-opted person shall have the right to vote.

(9) Subject to this section the Board may regulate its own proceedings.

Functions and
powers of the Board

9. (1) The functions of the Board are to establish a policy, to be approved by the Minister, to address matters relating to the—

- (a) international, regional and national performances of the Symphony Orchestra;
- (b) composition of the Symphony Orchestra and the qualifications and selection criteria for the various positions on the Symphony Orchestra;

- (c) terms and conditions of appointment, service and remuneration of the members of the Symphony Orchestra;
- (d) training and development of the members of the Symphony Orchestra including incentives for study through sourcing and providing scholarships for members;
- (e) the establishment of professional and ethical standards with which members of the Symphony Orchestra shall comply;
- (f) the discipline of members of the Symphony Orchestra and the termination of their appointments; and
- (g) the repertoire of the Orchestra which shall reflect the multiculturalism of the nation.

(2) The Board shall—

- (a) be responsible for the determination of the organizational structure to be approved by the Minister; and
- (b) perform such other functions that may be required to achieve the objectives of the Symphony Orchestra.

(3) Subject to section 19(a) and (b), the Board shall have all the powers necessary to enable it to perform its functions.

(4) Subject to the approval of the Minister, the Board may dispose of real property owned by the Corporation.

10. (1) The Minister may give to the Board directions Directions as to policy on policy in writing of a specific or general nature to be followed in the performance of its functions and exercise of its powers under the Act.

(2) The Board shall comply with the directions given under subsection (1).

Remuneration of the
members of the
Board

11. The members of the Board may be paid such remuneration or allowances as the President may determine.

Disclosure of
interest

12. As soon as practicable, every member of the Board shall give in writing—

- (a) notice to the Board of all direct or indirect pecuniary interest that he has in any business or in any body corporate carrying on any business with the Corporation in the exercise of its functions; and
- (b) an undertaking that he will not engage, directly or indirectly, in any business or professional activity which would conflict with the performance of his duties to the Corporation and the functions of the Corporation.

PART III

STAFF OF THE CORPORATION

Officers of the
Corporation

13. The policies established by the Board under section 9 shall be implemented by the following officers of the Corporation:

- (a) the Chief Executive Officer who shall be responsible and accountable for all operational aspects of the organization including concert production and operations, public relations, finance, administration and staff and such other functions as the Board may direct;
- (b) the Artistic/Music Director who shall function as a music director with responsibility for conducting the Symphony Orchestra, the artistic director with responsibility for providing the artistic leadership of the Symphony Orchestra and the

community arts leader working in collaboration with the Education Officer as an advocate, ambassador and teacher of the Symphony Orchestra; and

(c) the Education Officer who shall be responsible for—

- (i) designing, developing, administering, evaluating and planning budgets for all educational and outreach programmes including the professional development of the members of the Symphony Orchestra;
- (ii) keeping abreast with recent research and music education and maintaining a collection of current research material; and
- (iii) such other functions as the Board may direct.

14. (1) The Corporation shall, within the organizational structure approved by the Minister under section 9—

Employment of administrative and technical staff

- (a) employ such administrative, technical and other staff, including a Secretary of the Board, as is required by the Corporation for the efficient—
 - (i) operation of its business;
 - (ii) performance of the functions of the Board; and
 - (iii) performance of the functions of the Symphony Orchestra; and
- (b) fix the qualifications, terms and conditions of service and remuneration for its officers and other members of staff.

(2) Notwithstanding subsection (1)(b), the Board shall obtain prior approval of the Minister in respect of remuneration to be paid to the officers and staff of the Corporation exceeding three hundred thousand dollars per annum.

PART IV

THE SYMPHONY ORCHESTRA

Symphony
Orchestra
established

15. There is hereby established the “Trinidad and Tobago National Steel Symphony Orchestra” (hereinafter called “the Symphony Orchestra”).

Objectives of the
Symphony Orchestra

16. The objectives of the Symphony Orchestra are to—

- (a) play the transcriptions of the standard orchestral repertoire;
- (b) commission the original compositions for steel orchestras;
- (c) play at international standards;
- (d) achieve the status of professional musicians and ambassadors of Trinidad and Tobago through the development of music, academic and communication skills as well as personal development of members; and
- (e) contribute towards the development of national culture through music.

Functions of
Symphony
Orchestra

17. The functions of the Symphony Orchestra shall be to—

- (a) perform at national celebrations, state functions, local, regional and international concerts, seminars and conferences;
- (b) facilitate workshops aimed at improving the standard of music and the techniques employed in playing the steelpan;
- (c) participate in workshops, seminars and outreach activities;

- (d) perform at overseas events at which the country is to be officially represented; and
- (e) any other functions as may be determined by the Board and approved by the Minister.

PART V

FINANCE

18. (1) There is established by this section the ^{Fund} Trinidad and Tobago National Steel Symphony Orchestra Fund (hereinafter called “the Fund”).

(2) The Fund shall comprise—

- (a) such sums of money as are appropriated by Parliament;
- (b) funds provided from such sources as the Minister responsible for finance may approve;
- (c) such sums of money arising from grants, covenants or donations;
- (d) revenue from performances;
- (e) receipts from royalties; and
- (f) any other monies.

(3) For the purposes of the Exchequer and ^{Chap. 69:01} Audit Act, the Accounting Officer of the Ministry with responsibility for culture shall be the Accounting Officer for the Fund.

19. The money in the Fund shall be applied for ^{Application of the Fund} defraying the following expenditure:

- (a) acquisition of real property, subject to the approval of the Minister, and of other assets for the operation of the Corporation;
- (b) acquisition of assets and personal property that are necessary for the efficient functioning of the Symphony Orchestra;

- (c) the remuneration of the members of the Board, officers, staff of the Corporation and members of the Symphony Orchestra; and
- (d) any other expenditure or obligation related to the objectives and functions of the Board or Symphony Orchestra authorized by the Board and properly chargeable to revenue.

Accounts and audit

20. (1) The Board shall keep proper accounts and records of the transactions and affairs of the Corporation, prepared in accordance with international financial accounting standards, and shall do all things necessary to ensure that all payments out of the Fund are correctly made and properly authorized and that adequate control is maintained over the assets of, or in the custody of, the Corporation and the Symphony Orchestra.

(2) The Board shall submit to the Minister a financial statement in respect of each financial year no later than three months after the close of the financial year.

(3) The accounts of the Corporation shall be audited annually by the Auditor General or by an auditor authorized by him for such purpose.

(4) The Board shall forward to the Minister a copy of the audited statement of accounts together with any report thereon made by the Auditor General, not later than two months after the receipt thereof and the Minister with responsibility for finance shall ensure that the audited statement of accounts and report are laid in Parliament within three months thereafter.

(5) In addition to the annual audit, the Auditor General may, at any time, audit the accounts and examine the records of financial transactions of the Corporation and shall forthwith draw to the attention of the Chairman, the Permanent Secretary and the Minister any irregularities disclosed by such audit and examination, which, in the opinion of the Auditor General, are of sufficient importance to be so reported.

(6) The Board may, with the approval of the Minister with responsibility for finance, write-off bad debts.

21. (1) The Board shall, within three months of the end of each financial year submit to the Minister an Annual Report dealing with the activities of the Corporation for the previous year, together with the financial statements and such other information relating to its operations as the Minister may require.

(2) The Minister shall cause a copy of the report submitted under subsection (1), to be laid before Parliament, within three months of receipt.

22. The Board shall be responsible for the management and control of any real or personal property in the ownership of the Corporation.

23. The Board shall prepare a budget in such form as the Minister with responsibility for finance may direct, for each financial year, and shall submit to the Minister a statement of the estimates so prepared.

24. The financial year of the Corporation shall be the twelve-month period ending on the 30th of September in any year.

PART VI

MISCELLEANOUS

25. The Minister may make regulations, subject to negative resolution of Parliament, as may be necessary for carrying into effect the provisions of this Act.

26. All real or personal property of whatever nature now held by or vested in the Trinidad and Tobago National Steel Orchestra Board, established under section 4 of the Trinidad and Tobago National Steel Orchestra Act, is hereby transferred to and vested in the Corporation.

No. 6 of 2008

FIRST SESSION
NINTH PARLIAMENT
REPUBLIC OF
TRINIDAD AND TOBAGO

BILL

AN ACT to establish the Trinidad and
Tobago National Steel Symphony
Orchestra Corporation and for matters
incidental thereto

Received and read the

First time.....

Second time.....

Third time.....
