



Western Australia

## **Art Gallery Act 1959**

Compare between:

[28 Jun 2010, 04-b0-01] and [11 Sep 2010, 04-c0-07]



## Art Gallery Act 1959

### An Act to provide for the control and management of The Art Gallery of Western Australia and for other purposes.

*[Long title amended ~~by~~: No. 35 of 1978 s. 3.]*

**1. Short title**

This Act may be cited as the *Art Gallery Act 1959*<sup>+</sup>.

**2. Commencement**

This Act shall come into operation on a day to be fixed by proclamation<sup>+</sup>.

*[3. Omitted under the Reprints Act 1984 s. 7(4)(f).]*

**4. Terms used**

In this Act unless the context requires otherwise —

***appointed member*** means a member referred to in section 6(1)(a);

***Art Gallery*** means the art gallery referred to in section 4A;

***Board*** means the board referred to in section 5(1);

***chairman*** means the chairman of the Board;

***Council*** means the Council of the Foundation;

***Director*** means the Director of the Art Gallery appointed under section 16;

***Foundation*** means The Art Gallery of Western Australia Foundation established under this Act;

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**member** means a member of the Board constituted under section 6(1) and includes the chairman and vice chairman;

**proclaimed date** means the date fixed by proclamation for the coming into operation of the *Art Gallery Act Amendment Act 1978*<sup>1</sup>;

**rules** means the rules made with respect to the Foundation under section 28C;

**Trustees** means The Trustees of the Museum and Art Gallery of Western Australia appointed under the *Museum and Art Gallery of Western Australia Act 1911*<sup>21</sup>.

[Section 4 amended ~~by~~: No. 35 of 1978 s. 4; No. 75 of 1987 s. 8; No. 59 of 1988 s. 4.]

**4A. Change of name of Art Gallery**

On and after the proclaimed date the art gallery hitherto established at Perth and known as “The Western Australian Art Gallery” shall be known as “The Art Gallery of Western Australia”.

[Section 4A inserted ~~by~~: No. 35 of 1978 s. 5.]

**5. The Board of the Art Gallery of Western Australia**

- (1) On and after the proclaimed date the body corporate hitherto constituted under this Act and having the name of “The Western Australian Art Gallery Board” is preserved and continues in existence as a body corporate under and subject to the provisions of this Act having the name of “The Board of the Art Gallery of Western Australia”, but so that the corporate identity of the body corporate and its rights and obligations are not affected.
- (2) The Board —
  - (a) is a body corporate with perpetual succession and a common seal; and
  - (b) is, subject to the provisions of section 20(2) and (3), capable in its corporate name of acquiring, holding,

leasing, exchanging, mortgaging and disposing of real and personal property and of suing and being sued.

- (3) All courts, judges and persons acting judicially shall take judicial notice of the common seal of the Board affixed to a document and shall presume that it was duly affixed.

[Section 5 amended ~~by~~: No. 28 of 1968 s. 2; No. 35 of 1978 s. 6.]

## 6. Constitution of Board

- (1) The Board shall consist of 8 members —
- (a) 7 of whom, including the chairman and vice chairman, shall be appointed by the Governor; and
  - (b) one of whom shall be the chief executive officer<sup>32</sup> of the Department for the Arts<sup>43</sup>.

- (1a) Subject to section 8(1) a person holding an office of member, chairman or vice chairman of the Board immediately before the proclaimed date shall continue to be entitled to hold the office on and after that date for the remainder of his current term of office notwithstanding the changes in the name and constitution of the Board that take place on that date.

- (2) The Minister shall cause notice of appointments to the respective offices of members of the Board referred to in subsection (1)(a) to be published in the *Gazette*.

[Section 6 amended ~~by~~: No. 35 of 1978 s. 7; No. 75 of 1987 s. 9.]

## 7. Tenure of office

Subject to this Act, each appointed member shall hold office for such term, not exceeding 4 years, as is specified in the instrument of his appointment, but is eligible for re-appointment.

[Section 7 inserted ~~by~~: No. 35 of 1978 s. 8; amended ~~by~~: No. 75 of 1987 s. 10.]

**8. Casual vacancies**

- (1) A casual vacancy in the office of an appointed member occurs in any of the following instances —
  - (a) he dies;
  - (b) he tenders resignation from the office in writing under his hand addressed to the Governor in Council and the resignation is accepted;
  - (c) he absents himself from 3 consecutive ordinary meetings of the Board, without having obtained leave of absence from the Board;
  - (d) he is removed from office by the Governor; or
  - (e) he is incapable of continuing as an appointed member.
- (2) The Governor may appoint an appointed member upon the happening of any casual vacancy.
- (3) The Board may grant leave of absence to a member upon such terms and conditions as the Board determines.

*[Section 8 amended ~~by~~: No. 75 of 1987 s. 11.]*

**9. Board may act notwithstanding vacancy**

The exercise of a power or the performance of a function by the Board is not invalidated by reason only of there being a vacancy or vacancies in the membership of the Board or by reason of a defect or irregularity in or in connection with the appointment of an appointed member.

*[Section 9 amended ~~by~~: No. 75 of 1987 s. 12.]*

**10. Deputies of members**

- (1) The Governor may, in respect of each appointed member, appoint a person as deputy of that member and a person so appointed has, in the event of the absence of the member, all the powers of that member during his absence.

(1a) The member referred to in section 6(1)(b) shall nominate a senior officer of the Department for the Arts<sup>43</sup> to act for him as a member at any meeting which he is unable to attend, and while so attending the person so nominated has all of the functions and entitlements of that member.

(2) No appointment of and no act done by a deputy in that capacity shall be questioned on the ground that the occasion for his appointment had not arisen or had ceased.

*[Section 10 amended-by: No. 75 of 1987 s. 13.]*

## 11. Chairman

(1) The Governor may appoint one of the appointed members to be chairman and another appointed member to be vice chairman.

~~(2)(a)~~ The member so appointed holds office as chairman or vice chairman as the case may be for the term of his office as member.

~~(b3)~~ When the member ceases to hold office as chairman or vice chairman as the case may be before the expiration of the term for which he is appointed another appointed member may be appointed chairman or vice chairman by the Governor for the unexpired portion of the term of office of the person in whose place he is appointed.

~~(e4)~~ The chairman or vice chairman may resign his office as chairman or vice chairman by notice in writing addressed to the Governor in Council.

~~(e5)~~ If at any time the chairman or vice chairman ceases to be a member, he ceases to be chairman or vice chairman.

*[Section 11 amended-by: No. 75 of 1987 s. 14; [No. 19 of 2010 s. 51.](#)]*

## 12. Presiding at meetings

(1) The chairman, or the vice chairman in the absence of the chairman, shall preside at all meetings of the Board.

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- (2) When the chairman or vice chairman are absent from any meeting the appointed members present at the meeting shall elect an appointed member from among those present to preside at the meeting and the person so elected has during the absence of the chairman all the powers of the chairman.

[Section 12 amended ~~by~~: No. 75 of 1987 s. 15.]

**13. Proceedings of Board**

The Board shall conduct its proceedings in such manner as may be prescribed and until prescribed, as the Board determines, but in any case —

- (a) each member including the person presiding at a meeting is entitled to one vote only on the determination of any question;
- (b) 5 members constitute a quorum for the conduct of business;
- (c) the majority of the votes of the members present determines all questions, but if the votes in favour equal votes against the motion, the motion shall be deemed lost.

[Section 13 amended ~~by~~: No. 35 of 1978 s. 9; No. 75 of 1987 s. ~~16~~16; No. 19 of 2010 s. 51.]

**14. Preservation of existing rights**

An appointed member or deputy for an appointed member, in his capacity as member or deputy, is not a public service officer under the provisions of the *Public Sector Management Act 1994*<sup>54</sup>, but if at the time of his appointment as member or deputy under this Act, he is a public service officer, his appointment shall be deemed to be without prejudice to his rights under the *Public Sector Management Act 1994*<sup>54</sup>, or any other Act applying to him as a public service officer.

[Section 14 amended ~~by~~: No. 75 of 1987 s. 17; No. 32 of 1994 s. 19.]



**15. Members' expenses**

Every member is entitled to such travelling and other expenses as the Governor determines.

**16. Officers**

- (1) There shall be appointed —
  - (a) a Director of the Art Gallery; and
  - (b) such other officers as are required for the purposes of carrying this Act into effect.
- (1a) The Director shall be appointed by the Governor and shall be a person recommended to the Minister by the Board.
- (1b) The officers referred to in subsection (1)(b) shall be appointed by the Board.
- (1c) Subject to the terms and conditions of his employment, a person holding an office under this section immediately before the proclaimed date shall continue to hold that office on and after that date.
- (2) The Director shall manage the Art Gallery and shall be the principal executive officer of the Board.
- (2a) The Director shall comply with any direction given to him by the Board as to the carrying out of his duties under this Act.
- (3) The Director and other officers although not appointed under Part 3 of the *Public Sector Management Act 1994*, are entitled to such leave of absence under that Act and to such rights prescribed by or pursuant to the provisions of the *Superannuation and Family Benefits Act 1938*<sup>65</sup>, as would apply, if they were appointed under that Part.
- (4) Notwithstanding anything in this section, to the extent that there is in the case of a person who is appointed under subsection (1) to be the Director or any other officer and who is a member of the Senior Executive Service within the meaning of the *Public*

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*Sector Management Act 1994* <sup>54</sup> an inconsistency between this Act and that Act that Act shall prevail.

*[Section 16 amended-by: No. 35 of 1978 s. 10; No. 113 of 1987 s. 32; No. 32 of 1994 s. 19.]*

**17. Exempt from personal liability**

A person who is or has been a member, deputy for a member, or Director appointed under this Act is not personally liable for anything done or omitted in good faith, in, or in connection with the exercise or purported exercise of any power conferred, or the carrying out of any duty imposed, on the Board by this Act.

**18. Functions and powers of Board**

(1) The Board —

- (a) shall, through the Director, undertake the care and control of —
  - (i) the Art Gallery and all lands and premises placed under the care and control of the Board;
  - (ii) all works of art, exhibits and other personal property acquired by the Board for the purposes of this Act;
- (b) shall receive and apply all moneys voted by Parliament for the purposes of this Act.

(2) The Board may —

- (a) receive, take, or purchase any work of art, exhibit or personal property;
- (b) sell or exchange any work of art, exhibit or personal property or any work of art, exhibit or personal property under the care or control of the Board;
- (c) lend or make available to any institution, Government department or person, upon such terms and conditions as the Board thinks fit, any work of art, exhibit or other

- personal property of which the Board has the care and control;
- (d) arrange and hold exhibitions of works of art in such places as it thinks fit, and propagate art by the exhibition or distribution of films, the conducting of discussion on art and the use of other media;
  - (e) publish, print and distribute literature on art and reproductions of works of art;
  - (f) advise and assist, on such terms and conditions as the Board determines, local governments and such other bodies as the Minister, on the recommendation of the Board, approves in the establishment, control and management of regional art galleries or like establishments in any part of the State;
  - (g) establish, control and manage branch art galleries in any part of the State;
  - (h) for any service or purpose, or for admission to the Art Gallery or to any part thereof, or to any branch gallery or to any exhibition, require the payment of such a fee or charge as the Board determines;
  - (i) operate restaurants in or on any part of the Art Gallery or of any lands or premises placed under the care and control of the Board or lease to other persons any part of the Art Gallery or of any such lands or premises for the purpose of the operation of restaurants therein or thereon;
  - (j) do or permit others to do such things, or carry on or permit others to carry on such activities, or provide or permit others to provide such facilities, in or on any part of the Art Gallery or of any lands or premises placed under the care and control of the Board as are necessary or incidental to —
    - (i) the exercise of the powers referred to in paragraphs (a) to (i);
    - (ii) the nature and function of a modern public art gallery;

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- (iii) the encouragement of art in Western Australia;  
or
- (iv) the carrying into effect generally of the objects of this Act.

[Section 18 amended ~~by~~ No. 28 of 1968 s. 3; No. 35 of 1978 s. 11; No. 40 of 1981 s. 3; No. 14 of 1996 s. 4.]

**19. Vesting of certain property**

- (1) All personal property in the possession or control of or held in trust by the Trustees for the purpose of being used for the provision of an art gallery is, on the coming into operation of this Act<sup>1</sup>, transferred to and vested in the Board.
- (2) When any doubt or difficulty arises as to whether subsection (1) applies to any property, the Minister may by notice in writing give directions as to that property and a direction so given is binding upon all persons, courts and tribunals.
- (3) All contracts entered into or rights enjoyed prior to the coming into operation of this Act by the Trustees which relate to the Art Gallery shall be deemed to have been entered into or enjoyed by the Board and the Board shall take and exercise in respect thereof all the powers, duties, rights, liabilities and immunities of the Trustees.

**20. Vesting of certain real property**

- (1)~~(a)~~<sup>1A</sup> So much of the land described in the Schedule to the *Museum and Art Gallery of Western Australia Act 1911*<sup>21</sup>, and so much of the buildings on that land as the Governor by proclamation declares to be vested in the Board, by the operation of this Act and the proclamation ceases to be vested in the Trustees and vests in the Board for such estate or interest as is mentioned in the proclamation without the necessity of any transfer or conveyance.

- (~~b~~1B) A proclamation made under ~~this~~ subsection (1A) may be revoked or from time to time by subsequent proclamation varied.
- (2) The Board shall not without the consent in writing of the Governor sell, exchange, lease, mortgage or otherwise encumber the land so vested, or any part of, or estate or interest in, the land.
- (3) The Board shall not without the consent in writing of the Governor, purchase, sell, exchange, lease, mortgage or otherwise encumber any estate or interest in any land other than the land referred to in subsection (~~1~~1A), but the Board shall not require that consent for entering into a lease or tenancy agreement for the purpose of establishing or managing a branch art gallery.

*[Section 20 amended ~~by~~: No. 28 of 1968 s. 4; [No. 19 of 2010 s. 51.](#)]*

**20A. Power to borrow money**

- (1) The Board shall have power to borrow money upon the guarantee of the Treasurer of the State for the purposes of carrying out its powers and functions under this Act.
- (2) The Board is authorised with the prior approval in writing of the Treasurer to borrow money upon such terms and conditions only as the Treasurer approves.
- (3) The Treasurer is hereby authorised to so approve and to give the guarantee, including the guarantee of interest, in subsection (1), for and on behalf of the Crown in right of the State.
- (4) Any moneys borrowed by the Board under this section may be raised as one loan or as several loans and in such manner as the Treasurer may approve, but the amount of the moneys so borrowed shall not in any one year exceed in the aggregate such amount as the Treasurer approves.

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- (5) Before a guarantee is given by the Treasurer under this section, the Board shall give to the Treasurer such security as the Treasurer may require and shall execute all such instruments as may be necessary for the purpose.
- (6) The Board shall use all moneys borrowed under the power conferred by this section for the purposes of carrying this Act into effect.

*[Section 20A inserted ~~by~~ No. 38 of 1974 s. 2; amended ~~by~~ No. 8 of 2009 s. 22.]*

**21. Gifts and bequests to Art Gallery and preservation of rights of officers and employees**

- (1) All gifts and bequests made to, or on behalf of, or for the benefit or purposes of, the Art Gallery shall, whether made before or after the coming into operation of this Act<sup>+</sup>, be deemed gifts and bequests to, or on behalf of, or for the benefit of, the Board.
- (2) All gifts and bequests made to, or on behalf of, or for the benefit or purposes of, the Public Library Museum and Art Gallery of Western Australia shall, whether made before or after the coming into operation of this Act<sup>+</sup>, be allocated or divided between the Board, The Library Board of Western Australia and The Western Australian Museum Board as the Governor thinks fit.
- (3) A reference in any other Act to the Trustees shall, insofar as it refers to the Art Gallery, be construed as a reference to the Board.
- (4)~~(a)~~ All officers and employees holding office or being employed in the Art Gallery on the coming into operation of this Act shall be deemed to have been appointed and engaged by the Board under the provisions of this Act.
- ~~(b)~~<sup>(i)</sup>5 All rights and accruing rights of the officers and employees of the Trustees who are employed by the Board on the coming into

operation of this Act remain unimpaired and continue for the purpose of their employment with the Board.

- (6) The Board shall undertake all matters incidental to the fulfilment of any obligations in connection therewith.
- (7) The Trustees shall on the coming into operation of this Act be freed and discharged from the obligations.

*[Section 21 amended: No. 19 of 2010 s. 51.]*

## 22. Financial provisions

- (1) The funds necessary for the effectual exercise by the Board of the powers conferred and duties imposed upon it by this Act consist of —
  - (a) money appropriated from time to time by Parliament for the purpose;
  - (aa) money made available to the Board from time to time by the Foundation;
  - (b) the proceeds derived from any disposal of or dealing with real or personal property which the Board is authorised to effect under the provisions of this Act;
  - (c) the proceeds of investments of any part of The Art Gallery of Western Australia Account which is not required for an immediate use;
  - (d) money derived from time to time as income by the Board from the management and control of the Art Gallery and from the exercise of its other powers and functions under this Act;
  - (e) all gifts, devises and bequests made to the Board; and
  - (f) such moneys as the Board acquires under the provisions of section 19.
- (2) An agency special purpose account called The Art Gallery of Western Australia Account is established under section 16 of the *Financial Management Act 2006* to which the money and proceeds referred to in subsection (1) are to be credited.

- (3) The Account may be operated upon for the purpose of enabling the Board to carry out the purposes of this Act, in such manner as the Treasurer from time to time approves.
- (4) All money recorded as standing to the credit of the Account may, until required by the Board for the purposes of this Act, be temporarily invested as the Treasurer directs in any securities in which money standing to the credit of the Public Bank Account, as constituted under the *Financial Management Act 2006*, may lawfully be invested and the Treasurer shall cause all interest derived from the investment to be credited to the Account.
- (5) Notwithstanding the provisions of subsection (4) or any other Act to the contrary, where any moneys standing to the credit of the Account are not immediately required for the purposes of this Act the Board may invest them in any investments authorised by law as in force immediately before the coming into operation of the *Trustees Amendment Act 1997*<sup>76</sup> as those in which trust funds may be invested.

[Section 22 amended ~~by~~ No. 28 of 1968 s. 5; No. 38 of 1974 s. 3; No. 35 of 1978 s. 12; No. 98 of 1985 s. 3; No. 59 of 1988 s. 5; No. 49 of 1996 s. 64; No. 1 of 1997 s. 18; No. 77 of 2006 Sch. 1 cl. 12(1)-(5).]

**23. Offence of damaging etc. any chattel in possession of the Board**

- (1) Every person who unlawfully —
  - (a) damages;
  - (b) mutilates;
  - (c) destroys; or
  - (d) removes from the possession of the Board,

any picture, engraving, exhibit or other work of art that is in the possession of the Board at the time it is damaged, mutilated, destroyed or removed, is guilty of an offence and is liable on



summary conviction to a fine of \$200 or to imprisonment for a term of 12 months or to both the fine and the imprisonment.

- (2) Where a person is convicted of an offence against the provisions of subsection (1), the Court convicting that person may, in addition to imposing any penalty, order the person to pay to the Board the full amount of the value of the picture, engraving, exhibit or work of art damaged, mutilated, destroyed or removed, as the case may be, and the amount so ordered is recoverable as if it were part of the penalty imposed notwithstanding that the total of the penalty and the amount exceeds the maximum penalty which may be imposed.

*[Section 23 amended-by: No. 113 of 1965 s. 8(1).]*

**24. Proceedings by the Board**

In any prosecution against a person who steals or injures, and in any proceedings instituted in relation to, any property vested in or under the care or control of the Board, it shall be sufficient to state generally that the property in respect of which the prosecution or the proceedings are instituted, is the property of the Board.

*[Section 24 amended-by: No. 84 of 2004 s. 80.]*

**25. Reward for information of commission of offence**

- (1) The Board may offer and pay a reward to any person who gives information to the Board or any of its officers of the commission of an offence against this Act which leads to the conviction of a person for the offence.
- (2) When proceedings are taken before a Court in respect of the offence if the person in respect of whom the information was given is convicted of the offence, the Court may in addition to imposing any penalty or ordering an amount to be paid under section 23(2), order that person to pay to the Board on account of any reward which the Board has paid or is liable to pay under

this section, the amount of the reward or a sum of \$40 whichever is the lesser amount.

*[Section 25 amended-by: No. 113 of 1965 s. 8(1).]*

**26. Unauthorised selling or exposing for sale works of art in Art Gallery prohibited**

- (1) Subject to the provisions of subsection (2), no person shall sell, offer for sale or expose for sale or permit or suffer to be sold, offered or exposed for sale, in the Art Gallery or in any other place that is for the time being under the sole management and control of the Board any work of art that belongs to him and is being exhibited in the Art Gallery or that other place, as the case may be.

Penalty: \$100.

- (2) The provisions of this section do not apply to any work of art that is being so exhibited pursuant to an agreement or arrangement made by or on behalf of the State or the Board with the Commonwealth or any other State of the Commonwealth or foreign country or the trustees or governing body of any other art gallery.

*[Section 26 amended-by: No. 113 of 1965 s. 8(1); No. 28 of 1968 s. 6.]*

**27. Power of officers to represent Board**

- (1) In proceedings in a court of summary jurisdiction, an officer of the Board appointed for the purpose generally or in a particular case in writing signed by the chairman may represent the Board in all respects as if he were the party concerned.

*[(2) deleted]*

*[Section 27 amended-by: No. 59 of 2004 s. 141; No. 84 of 2004 s. 78.]*

**28. Application of *Financial Management Act 2006* and *Auditor General Act 2006***

The provisions of the *Financial Management Act 2006* and the *Auditor General Act 2006* regulating the financial administration, audit and reporting of statutory authorities apply to and in respect of the Board and its operations.

*[Section 28 inserted-by: No. 98 of 1985 s. 3; amended-by: No. 77 of 2006 Sch. 1 cl. 12(6).]*

**28A. The Art Gallery of Western Australia Foundation**

- (1) There is established a body corporate to be called The Art Gallery of Western Australia Foundation.
- (2) The Foundation —
  - (a) has perpetual succession and a common seal;
  - (b) is capable of suing and being sued;
  - (c) has the functions and objects conferred or assigned by this Act and the rules; and
  - (d) is capable of doing and suffering all such acts and things as bodies corporate may lawfully do and suffer.
- (3) There shall be a Council which shall, subject to this Act, be the governing body of the Foundation.
- (4) The objects of the Foundation are —
  - (a) to attract and retain for the Art Gallery the continuing interest and financial support of the community at large and to encourage donations to maintain, improve and develop the State collection of works of art and the facilities and well-being of the Art Gallery; and
  - (b) to perform such other duties and exercise such other powers as are provided for in the rules.

*[Section 28A inserted-by: No. 59 of 1988 s. 6.]*

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**28B. Financial arrangements**

- (1) An agency special purpose account called the Account of The Art Gallery of Western Australia Foundation (in this section referred to as the **Account**) is established under section 16 of the *Financial Management Act 2006* to which moneys received by the Foundation are to be credited.
- (2) All expenditure incurred by the Foundation for the purposes of performing its functions shall be charged to the Account.
- (3) Moneys standing to the credit of the Account are subject to the directions of the Board and may be transferred to the Board for the purposes of carrying this Act into effect or otherwise applied for the purposes of the Board or the Foundation.

[Section 28B inserted ~~by~~: No. 59 of 1988 s. 6; amended ~~by~~: No. 49 of 1996 s. 64; No. 77 of 2006 Sch. 1 cl. 12(7).]

**28C. Rules**

- (1) The Minister may on the recommendation of the Board make rules that are necessary or convenient for giving effect to the purposes of section 28A.
- (2) Without limiting subsection (1), the rules may —
  - (a) prescribe further objects of the Foundation and confer powers on the Council and the Foundation to facilitate the attainment of those objects;
  - (b) provide for the constitution, functions and proceedings of the Council, including power to employ persons, appoint agents, procure professional or other services and do all things necessary or incidental to the attainment of the Foundation's objects;
  - (c) subject to the *Financial Management Act 2006* and the Treasurer's instructions issued under that Act, provide for the financial administration of the Foundation;

- (d) provide for membership of the Foundation, including membership of different categories having different privileges;
- (e) provide for meetings and other proceedings of members of the Foundation;
- (f) provide for the appointment of one or more patrons of the Foundation;
- (g) provide for Friends of the Foundation and for the establishment of a register of such persons;
- (h) provide for the manner of execution of documents authorised to be executed by resolution of the Council;
- (i) empower the Council, with the approval of the Board, to make by-laws with respect to the operations and proceedings of the Foundation, the Council, committees of the Council and persons employed by the Foundation.

*[Section 28C inserted ~~by~~: No. 59 of 1988 s. 6; amended ~~by~~: No. 77 of 2006 Sch. 1 cl. 12(8).]*

## **29. Regulations**

- (1) The Governor may make regulations as he considers necessary, convenient or desirable to enable the Board to carry out its powers and duties under this Act or for better carrying out the objects and purposes of this Act.
- (2) Without prejudice to the generality of subsection (1) the regulations may provide —
  - (a) for the conduct of proceedings at meetings of the Board;
  - (b) for the form of the common seal of the Board and the manner in which it shall be kept and used;
  - (c) for the management of the affairs of the Art Gallery and any branch art gallery or other place under the management and control of the Board;
  - (d) for the admission to and the exclusion or expulsion from the Art Gallery or any part of it or any branch art gallery

or other place under the management and control of the Board or any part thereof, of the public or any individual;

- (e) for specifying the conditions and restrictions upon and subject to which the public may be allowed to examine works of art and exhibits in the Art Gallery and any branch art gallery or other place under the management and control of the Board;
- (f) for preventing the handling, touching, defacing or marking of the works of art and exhibits in the possession of the Board;
- (g) for the effectual use of the works of art and exhibits for the purpose of public education and enjoyment;
- (h) for fixing penalties for any breach of a regulation not exceeding the sum of \$50 for any one offence.

*[Section 29 amended-by: No. 113 of 1965 s. 8(1); No. 28 of 1968 s. 7; No. 73 of 1994 s. 4.]*

**30. Review**

- (1) The Minister shall carry out a review of the operations and the effectiveness of the Foundation as soon as is practicable after the expiry of 2 years from its establishment and in the course of that review the Minister shall consider and have regard to —
  - (a) the desirability of the continuation of the functions of the Foundation; and
  - (b) such other matters as appear to the Minister to be relevant to the operations and effectiveness of the Foundation.
- (2) The Minister shall prepare a report based on the review carried out under subsection (1) and shall, as soon as practicable, cause that report to be laid before each House of Parliament.

*[Section 30 inserted-by: No. 59 of 1988 s. 7.]*



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## Notes

<sup>†</sup>—This is a compilation of the *Art Gallery Act 1959* and includes ~~the~~ amendments made by ~~the~~ other written laws ~~referred to in the following table~~<sup>†a</sup>. ~~The table also contains.~~ For provisions that have come into operation, and for information about any reprint, see the compilation table. For provisions that have not yet come into operation see the uncommenced provisions table.

## Compilation table

Short title	Number and year	Assent	Commencement
<i>Art Gallery Act 1959</i>	62 of 1959 (8 Eliz. II No. 62)	10 Dec 1959	27 May 1960 (see s. 2 and <i>Gazette</i> 27 May 1960 p. 1436)
<i>Decimal Currency Act 1965</i>	113 of 1965	21 Dec 1965	Act other than s. 4-9: 21 Dec 1965 (see s. 2(1)); s. 4-9: 14 Feb 1966 (see s. 2(2))
<i>Art Gallery Act Amendment Act 1968</i>	28 of 1968	25 Oct 1968	25 Oct 1968
<b>Reprint of the <i>Art Gallery Act 1959</i> approved 20 Mar 1970</b> (includes amendments listed above)			
<i>Art Gallery Act Amendment Act 1974</i>	38 of 1974	15 Nov 1974	15 Nov 1974
<i>Art Gallery Act Amendment Act 1978</i>	35 of 1978	21 Aug 1978	17 Nov 1978 (see s. 2 and <i>Gazette</i> 17 Nov 1978 p. 4277)
<i>Art Gallery Amendment Act 1981</i>	40 of 1981	25 Aug 1981	1 Aug 1981 (see s. 2)
<i>Acts Amendment (Financial Administration and Audit) Act 1985 s. 3</i>	98 of 1985	4 Dec 1985	1 Jul 1986 (see s. 2 and <i>Gazette</i> 30 Jun 1986 p. 2255)
<i>Acts Amendment (Arts Representation) Act 1987 Pt. IV</i>	75 of 1987	26 Nov 1987	12 Feb 1988 (see s. 2 and <i>Gazette</i> 12 Feb 1988 p. 399)
<i>Acts Amendment (Public Service) Act 1987 s. 32</i>	113 of 1987	31 Dec 1987	16 Mar 1988 (see s. 2 and <i>Gazette</i> 16 Mar 1988 p. 813)



Short title	Number and year	Assent	Commencement
<i>Art Gallery Amendment Act 1988</i>	59 of 1988	8 Dec 1988	s. 1 and 2: 8 Dec 1988; Act other than s. 1 and 2: 20 Jan 1989 (see s. 2 and <i>Gazette</i> 20 Jan 1989 p. 110)
<b>Reprint of the Art Gallery Act 1959 as at 30 Mar 1989</b> (includes amendments listed above)			
<i>Acts Amendment (Public Sector Management) Act 1994 s. 19</i>	32 of 1994	29 Jun 1994	1 Oct 1994 (see s. 2 and <i>Gazette</i> 30 Sep 1994 p. 4948)
<i>Statutes (Repeals and Minor Amendments) Act 1994 s. 4</i>	73 of 1994	9 Dec 1994	9 Dec 1994 (see s. 2)
<i>Local Government (Consequential Amendments) Act 1996 s. 4</i>	14 of 1996	28 Jun 1996	1 Jul 1996 (see s. 2)
<i>Financial Legislation Amendment Act 1996 s. 64</i>	49 of 1996	25 Oct 1996	25 Oct 1996 (see s. 2(1))
<i>Trustees Amendment Act 1997 s. 18</i>	1 of 1997	6 May 1997	16 Jun 1997 (see s. 2 and <i>Gazette</i> 10 Jun 1997 p. 2661)
<b>Reprint of the Art Gallery Act 1959 as at 5 Apr 2002</b> (includes amendments listed above)			
<i>Courts Legislation Amendment and Repeal Act 2004 s. 141</i>	59 of 2004	23 Nov 2004	1 May 2005 (see s. 2 and <i>Gazette</i> 31 Dec 2004 p. 7128)
<i>Criminal Procedure and Appeals (Consequential and Other Provisions) Act 2004 s. 78 and 80</i>	84 of 2004	16 Dec 2004	2 May 2005 (see s. 2 and <i>Gazette</i> 31 Dec 2004 p. 7129 (correction in <i>Gazette</i> 7 Jan 2005 p. 53))
<i>Financial Legislation Amendment and Repeal Act 2006 Sch. 1 cl. 12</i>	77 of 2006	21 Dec 2006	1 Feb 2007 (see s. 2(1) and <i>Gazette</i> 19 Jan 2007 p. 137)
<i>Statutes (Repeals and Miscellaneous Amendments) Act 2009 s. 22</i>	8 of 2009	21 May 2009	22 May 2009 (see s. 2(b))

## Art Gallery Act 1959

Notes Provisions that have not come into operation

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Short title	Number and year	Assent	Commencement
<b>Reprint 4: The Art Gallery Act 1959 as at 4 Jun 2010</b> (includes amendments listed above)			

~~<sup>1a</sup> On the date as at which this compilation was prepared, provisions referred to in the following table had not come into operation and were therefore not included in this compilation. For the text of the provisions see the endnotes referred to in the table.~~

### **Provisions that have not come into operation**

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Short title	Number and year	Assent	Commencement
<del><i>State Superannuation (Transitional and Consequential Provisions) Act 2000 s. 32</i><sup>8</sup></del>	<del>43 of 2000</del>	<del>2 Nov 2000</del>	<del>To be proclaimed (see s. 2(2))</del>
<i>Standardisation of Formatting Act 2010</i> s. 51 <sup>9</sup>	19 of 2010	28 Jun 2010	<del>To be proclaimed</del> <a href="#">11 Sep 2010</a> (see s. 2(b)) and <a href="#">Gazette 10 Sep 2010 p. 4341</a>

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### **<sup>2</sup>Uncommenced provisions table**

[To view the text of the uncommenced provisions see Acts as passed on the WA Legislation website.](#)

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<u>Short title</u>	<u>Number and year</u>	<u>Assent</u>	<u>Commencement</u>
<a href="#">State Superannuation (Transitional and Consequential Provisions) Act 2000 s. 32</a>	<a href="#">43 of 2000</a>	<a href="#">2 Nov 2000</a>	<a href="#">To be proclaimed (see s. 2(2))</a>

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### **Other notes**

<sup>1</sup> Repealed by s. 3 of this Act.

<sup>32</sup> Under the *Acts Amendment (Public Service) Act 1987* s. 31(1)(f) a reference in a written law to “Permanent Head” is, unless the contrary intention appears, to be

construed as if it had been amended to be a reference to “chief executive officer”. This reference was amended under the *Reprints Act 1984* s. 7(5)(a).

- <sup>43</sup> Under the *Alteration of Statutory Designations Order (No. 3) 2001* the former Department of the Arts is now called the Department of Culture and the Arts.
- <sup>54</sup> Under the *Public Sector Management Act 1994* s. 112(1), a reference to the *Public Service Act 1978* is to be read as a reference to the *Public Sector Management Act 1994*. This reference was changed under the *Reprints Act 1984* s. 7(3)(g).
- <sup>65</sup> The *Superannuation and Family Benefits Act 1938* was repealed by the *State Superannuation Act 2000* s. 39 but its provisions continue to apply to and in relation to certain schemes because of the *State Superannuation (Transitional and Consequential Provisions) Act 2000* s. 26.
- <sup>76</sup> Came into operation on 16 June 1997.
- <sup>8</sup> ~~On the date as at which this compilation was prepared, the *State Superannuation (Transitional and Consequential Provisions) Act 2000* s. 32 had not come into operation. It reads as follows:~~

**~~32. — Art Gallery Act 1959 amended~~**

~~Section 16(3) of the *Art Gallery Act 1959* is amended by deleting “and to such rights prescribed by or pursuant to the provisions of the *Superannuation and Family Benefits Act 1938*.”~~

- <sup>9</sup> ~~On the date as at which this compilation was prepared, the *Standardisation of Formatting Act 2010* s. 51 had not come into operation. It reads as follows:~~

**~~51. — Various written laws amended~~**

- ~~(1) This section amends the written laws listed in the Table.~~
- ~~(2) Amend the provisions listed in the Table as set out in the Table.~~

<b><del>7. — Art Gallery Act 1959</del></b>		
<del>s. 11(2)</del>	<del>(2) — (a) — The (b) — When (c) — The (d) — If</del>	<del>(2) — The (3) — When (4) — The (5) — If</del>
<del>s. 13</del>	<del>each member</del>	<del>(a) — each member</del>

**Art Gallery Act 1959**

**Notes**

Other notes

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	<del>5 members</del> <del>the majority</del>	<del>(b) — 5 members</del> <del>(c) — the majority</del>
<del>s. 20(1)</del>	<del>(1) — (a) — So much</del> <del>(b) — A proclamation</del> <del>this subsection</del>	<del>(1A) — So much</del> <del>(1B) — A proclamation</del> <del>subsection (1A)</del>
<del>s. 20(3)</del>	<del>subsection (1);</del>	<del>subsection (1A);</del>
<del>s. 21(4)</del>	<del>(4) — (a) — All</del> <del>(b) — (i) — All</del> <del>(ii) — The</del> <del>(iii) — The</del>	<del>(4) — All</del> <del>(5) — All</del> <del>(6) — The</del> <del>(7) — The</del>