



Western Australia

## **Western Australian Sports Centre Trust Act 1986**

Compare between:

[21 May 2012, 02-g0-03] and [27 Apr 2015, 02-h0-00]



Western Australia

## **Western Australian Sports Centre Trust Act 1986**

**An Act to establish the Western Australian Sports Centre Trust, to amend certain other Acts<sup>2</sup> and for incidental and related matters.**

## Part I — Preliminary

### 1. Short title

This Act may be cited as the *Western Australian Sports Centre Trust Act 1986*<sup>1</sup>.

### 2. Commencement

The provisions of this Act shall come into operation on such day as is, or days as are respectively, fixed by proclamation<sup>1</sup>.

### 3. Terms used

In this Act unless the contrary intention appears —

**board** means the governing body of the Trust provided for under section 5;

**Centre** means the Western Australian Sports Centre established under section 8 and includes any facility that forms part of the Centre;

**general manager** means the person designated general manager of the Centre under section 12(1);

**Trust** means the Western Australian Sports Centre Trust established by section 4(1);

**Trust property** means real or personal property owned by, leased to or vested in the Trust;

**trustee** means a person appointed to the board under section 5.

## **Part II — Establishment of the Western Australian Sports Centre Trust**

### **4. Western Australian Sports Centre Trust established**

- (1) There is hereby established a body to be known as the Western Australian Sports Centre Trust.
- (2) The Trust is a body corporate with perpetual succession and a common seal and, subject to this Act, is capable of —
  - (a) acquiring, holding and disposing of real and personal property;
  - (b) suing and being sued; and
  - (c) doing and suffering all such acts and things as bodies corporate may do and suffer.
- (3) The Trust is an agent of the Crown in right of the State and enjoys the status, immunities and privileges of the Crown except as otherwise prescribed.
- (4) Notwithstanding subsection (1), the Trust may use and operate under a trading or business name approved by the Minister being —
  - (a) an abbreviation or adaptation of its corporate name;
  - (b) a name other than its corporate name.
- (5) Notice of approval of a name under subsection (4) shall be published in the *Gazette*.

### **5. The board of the Trust**

- (1) The Trust shall have a board of management comprising —
  - (a) 3 persons appointed as trustees by the Minister, each of whom is in the Minister's opinion qualified for appointment by reason of knowledge of or experience in commerce, law, financial management or administration or personnel management or administration;

**s. 6**

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- (b) 3 other persons appointed as trustees by the Minister, each of whom is in the Minister's opinion qualified for appointment by reason of knowledge of or experience in sport; and
  - (c) 3 other persons appointed as trustees by the Minister of whom —
    - (i) 2 shall be officers of the public service of the State; and
    - (ii) the other shall be a member of the staff of The University of Western Australia.
- (2) The board is the governing body of the Trust with authority, in the name of the Trust, to perform the functions conferred or imposed on the Trust under this Act or any other written law.

**6. Constitution, meetings and procedure of the board**

- (1) Schedule 1 shall have effect with respect to the trustees.
- (2) Schedule 2 shall have effect with respect to meetings and procedure of the board.

**7. Remuneration and allowances**

A trustee is entitled to such remuneration and allowances as the Minister from time to time determines on the recommendation of the Public Sector Commissioner.

*[Section 7 amended by No. 39 of 2010 s. 89.]*

## **Part III — Functions and powers of the Trust**

### **8. Functions of the Trust**

- (1) The functions of the Trust are —
- (a) to establish and maintain a comprehensive sports and recreational complex, to be known as the Western Australian Sports Centre, comprising —
    - (i) facilities for holding competitive sporting events of international, national and State standards;
    - (ii) training facilities for training sportspersons who are seeking to improve their sporting standards, performances and skills;
    - (iii) sports education facilities for the purpose of developing the skills or potential skills of sports administrators, coaches and sportspersons; and
    - (iv) such accommodation or other ancillary facilities as may be required for the effective operation of the Centre;
  - (b) to encourage, promote and facilitate the use and enjoyment of the Centre by members of the public; and
  - (c) to do such other things consistent with the use and enjoyment by the public of the Centre as the board considers appropriate.
- (2) It is not necessary for all of the facilities of the Centre to be established at a single location or at adjoining locations.
- (3) The Minister may direct the Trust to manage or operate any facilities specified in the direction being facilities that are of a similar kind to those mentioned in subsection (1)(a) but do not form part of the Centre, and while such direction has effect —
- (a) it shall be a function of the Trust to manage those facilities; and
  - (b) this Act shall apply to and in relation to those facilities as if they formed part of the Centre.

**s. 9**

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- (4) The Trust may, and when requested by the Minister shall, make reports and recommendations to the Minister with respect to any matter relating to its functions and, in particular, with respect to the future management and development of the Centre and any facilities that are, or might become, the subject of a direction under subsection (3).

**9. General powers**

- (1) The Trust has power to do all things necessary or convenient to be done for or in connection with the performance of its functions.
- (2) Without limiting the generality of subsection (1), or any other provision of this Act by which a power is conferred on the Trust, the Trust has power —
- (a) to use or authorise the use of the Centre for activities of a sporting, recreational, educational or cultural nature or for the purposes of public entertainment or any public purpose approved by the Minister;
  - (b) to provide or permit any other persons to provide refreshments for consumption by persons using or visiting the Centre and to apply for, hold and dispose of any licence, permit or other authority required in connection with the provision of those refreshments;
  - (c) to acquire property or an interest in or over property by purchase, lease, licence or exchange or in any other manner and to dispose of property or an interest in or over property by sale, lease, licence or exchange or in any other manner;
  - (d) to carry out or arrange to be carried out work in connection with the maintenance, development and improvement, alteration and maintenance of property and, in particular, for the purpose of making the Centre suitable for the activities referred to in paragraph (a);
  - (e) to provide tuition and instruction for the purpose mentioned in section 8(1)(a)(iii);



- (f) to promote and provide exhibits, lectures, films, publications and other types of instruction relating to sporting and recreational activities;
  - (g) subject to the regulations, to charge and receive fees or other sums for, or in connection with —
    - (i) the hire or use of the Centre or any other Trust property;
    - (ii) admission to the Centre or parking of vehicles at the Centre; or
    - (iii) any service provided, article sold, permission given or licence granted by or on behalf of the Trust;
  - (h) to enter into any contract or arrangement with any person including a partnership or arrangement for the sharing of profits;
  - (i) to appoint or engage agents or attorneys;
  - (j) to act as agent for other persons; and
  - (k) to do anything incidental to any of its powers.
- (3) In subsection (2)(d), the reference to work includes —
- (a) the development or redevelopment of an area of land;
  - (b) the construction, reconstruction or demolition of any building; and
  - (c) the provision of spectator accommodation, either seating or standing or both.
- (4) Where the Trust acquires property by gift, bequest or devise the Trust may —
- (a) agree to and carry out the conditions of the gift, bequest or devise; and
  - (b) retain the property in the form in which it is acquired, subject to any condition agreed to by the Trust in relation to the property.

**s. 10**

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- (5) The rule of law against remoteness of vesting does not apply to a condition to which the Trust has agreed under subsection (4)(a).
- (6) Where any property has been vested in the Trust the operation of subsection (2)(c) in relation to that property is subject to the conditions upon which the land was vested in the Trust and, in the case of land to which the *Land Administration Act 1997* applies, to the provisions of that Act.

*[Section 9 amended by No. 4 of 1997 s. 4; No. 31 of 1997 s. 141.]*

**10. Power to establish committees**

- (1) The Trust may establish such committees as it considers necessary to enable it to perform its functions.
- (2) At least one member of each committee shall be a trustee.
- (3) The Trust shall nominate a member of a committee who is a trustee to be the chairman of the committee.
- (4) The procedure for calling meetings of a committee shall, subject to the regulations, be as determined by the Trust or, to the extent that any matter is not provided for by the regulations or by a determination of the Trust, shall be as determined by the committee.

**11. Appointment or use of staff and facilities**

- (1) The Trust may appoint and employ such persons as it considers necessary to enable it to perform its functions.
- (2) Subject to any relevant order, award or agreement under the *Industrial Relations Act 1979*, the Trust may after consultation with the Public Sector Commissioner, determine the remuneration and other conditions of service of its officers and employees.
- (3) The Trust may, by arrangement made between the board and the Minister concerned, and on such terms and conditions as may be

mutually arranged by the board with that Minister and with the relevant employing authority within the meaning of the *Public Sector Management Act 1994*, make use, either full time or part time, of —

- (a) the services of any officer or employee employed in the public service of the State or in a State agency or instrumentality or otherwise in the service of the Crown in right of the State; or
  - (b) any facilities, plant, machinery or equipment of a department of the public service of the State or of a State agency or instrumentality.
- (4) For the purpose of enabling the Trust to perform its functions under this Act, the Trust may engage persons under contracts for the performance of services for or on behalf of the Trust.

*[Section 11 amended by No. 32 of 1994 s. 19; No. 39 of 2010 s. 89.]*

## **12. General manager of the Western Australian Sports Centre**

- (1) Of the persons appointed under section 11(1), one shall be designated, in the instrument of appointment or in a subsequent instrument executed by the Trust, as general manager of the Centre.
- (2) Subject to the control of the Trust the general manager —
  - (a) is responsible, as the chief executive officer of the Trust, for the day to day management of the affairs of the Trust and the administration of the Centre and all other Trust property; and
  - (b) has and may perform such functions as are conferred or imposed on the holder of that position under this Act or any other written law.
- (3) Schedule 3 has effect with respect to a person designated as general manager.

**s. 13**

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**13. Delegation**

The Trust may, by instrument in writing, delegate to —

- (a) one or more of the trustees;
- (b) a committee established under section 10;
- (c) the general manager;
- (d) an officer or employee of the Trust other than the general manager; or
- (e) any person of whose services the Trust makes use,

the performance of all or any of the functions of the Trust other than this power of delegation.

**14. Minister may give directions**

- (1) The Minister may, after consultation with the board, give such directions in writing to the Trust with respect to the performance of its functions as appear to the Minister to be in the public interest and the Trust shall give effect to any such direction.
- (2) A direction under subsection (1) may be given generally or in relation to a particular matter.
- (3) The text of any direction given under subsection (1) shall be included in the annual report submitted by the accountable authority of the Trust under Part 5 of the *Financial Management Act 2006*.

*[Section 14 inserted by No. 4 of 1997 s. 5; amended by No. 77 of 2006 Sch. 1 cl. 184(1).]*

**14A. Minister to have access to information**

- (1) The Minister is entitled —
  - (a) to have information in the possession of the Trust; and
  - (b) where the information is in or on a document, to have, and make and retain copies of, that document.

- (2) For the purposes of subsection (1) the Minister may —
- (a) request the Trust to furnish information to the Minister;
  - (b) request the Trust to give the Minister access to information;
  - (c) for the purposes of paragraph (b) make use of the staff and facilities of the Trust to obtain the information and furnish it to the Minister.
- (3) The Trust shall comply with a request under subsection (2) and make its staff and facilities available to the Minister for the purposes of paragraph (c) of that subsection.
- (4) The Minister is not entitled to have information under this section in a form that —
- (a) discloses the identity of a person with a disability; or
  - (b) might enable the identity of any such person to be ascertained,

unless that person has consented to the disclosure.

- (5) In this section —
- document** includes any tape, disc or other device or medium on which information is recorded or stored mechanically, photographically, electronically or otherwise;
- information** means information specified, or of a description specified, by the Minister that relates to the functions of the Trust.

*[Section 14A inserted by No. 4 of 1997 s. 5.]*

## Part IV — Financial provisions

### 15. Funds of the Trust

- (1) The funds available to the Trust to enable it to perform its functions are —
  - (a) any money appropriated by Parliament for the purposes of the Trust;
  - (b) all money derived by the Trust from fees and other sums mentioned in section 9(2)(g);
  - (c) all money derived by the Trust from the sale, leasing, or other disposal of Trust property; and
  - (d) all other money received by the Trust for the purposes of this Act.
- (2) An agency special purpose account called the Western Australian Sports Centre Trust Account is established under section 16 of the *Financial Management Act 2006* to which the funds referred to in subsection (1) are to be credited.
- (3) All expenditure incurred by the Trust for the purposes of performing its functions, shall be charged to the account referred to in subsection (2) and moneys standing to the credit of the account shall be applied only for the purposes of this Act.
- (4) Subsections (2) and (3) do not affect the operation of section 13 of the *Financial Management Act 2006*.

*[Section 15 amended by No. 49 of 1996 s. 64; No. 28 of 2006 s. 162; No. 77 of 2006 Sch. 1 cl. 184(2)-(3).]*

### 16. Certain property and instruments exempt from rates, taxes and duty

- (1) Without limiting the generality of section 4(3) a rate or tax shall not be made, charged or levied by or under any law of the State on or in respect of any Trust property unless that property is leased to, or occupied by, some other person for a purpose

which is not directly related to the performance by the Trust of any of its functions.

- (2) Without limiting the generality of section 4(3) the *Duties Act 2008* does not apply to or in respect of —
- (a) a gift, bequest or devise made to the Trust; or
  - (b) an instrument executed after the coming into operation of this section by which any real or personal property is transferred to, leased to or vested in the Trust, or agreed to be so transferred, leased or vested, for the purposes of this Act.

*[Section 16 amended by No. 12 of 2008 Sch. 1 cl. 41.]*

**17. 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 Trust and its operations.

*[Section 17 amended by No. 77 of 2006 Sch. 1 cl. 184(4).]*

## Part V — Miscellaneous

### 18. Regulations

- (1) The Governor may make regulations prescribing all matters that are required or permitted by this Act to be prescribed or are necessary or convenient to be prescribed for giving effect to this Act and in particular with respect to —
- (a) the care, control, management, preservation and protection of the Centre and other property;
  - (b) the use of the Centre or any specified part of it, and the regulation of its use and enjoyment or any specified part of it;
  - (c) the admission of persons, clubs and associations to the Centre or any specified part of it, including the determination of admission charges and the collection and disposal of those charges;
  - (d) the regulation or prohibition of admission of persons to the Centre or any specified part of it without the authority of the Trust;
  - (e) the maintenance of order at the Centre and the appointment and removal of honorary stewards for that purpose;
  - (f) the removal of persons found committing offences against the regulations or causing annoyance or inconvenience to members of the public who are lawfully and peaceably at the Centre;
  - (g) the regulation or prevention of taking liquor or other intoxicants to, and the consumption of any such liquor or intoxicants at, the Centre or any specified part of it;
  - (h) the regulation and control of taking animals to the Centre or any specified part of it, or permitting animals or animals of specified kinds to be at the Centre or any specified part of it;
- [(i) deleted]*



- (j) the reservation of any part of the Centre for such separate or exclusive uses as the regulations may prescribe or authorise;
- (k) the closure, for a specified period, of the Centre or a specified part of it for any specified purpose, and the conditions to be observed with respect to any such closure;
- (l) the regulation, control or prohibition of private trading at the Centre or at any specified part of it; and
- (m) the application to the Trust, the trustees or the officers and employees of the Trust, either with or without modification or variation of any written law which would not otherwise be binding on the Trust, the trustees or those officers and employees.

*[(2) deleted]*

- (3) In subsection (1) *specified* means specified under the regulations.

*[Section 18 amended by No. 4 of 1997 s. 6.]*

**18A. Traffic regulations**

- (1) Without limiting section 18 the Governor may make regulations —
  - (a) prohibiting or limiting the use of vehicles, including provisions as to —
    - (i) speed;
    - (ii) manner of driving;
    - (iii) class of vehicles;
    - (iv) routes;
    - (v) entrances and exits;
    - (vi) one-way traffic;
    - (vii) parking;

**s. 18B**

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- (viii) standing or leaving,  
and for the regulation of traffic, on or in any part of the Centre generally;
- (b) prescribing conditions under which and the period or periods of time during which a vehicle may be parked at the Centre;
- (c) requiring the payment to the Trust of fees in respect of the parking of vehicles at the Centre and providing for the determination and collection of those fees;
- (d) prescribing the circumstances under which an authorised officer may remove a vehicle or cause it to be removed from the Centre to any specified place, whether a part of the Centre or not, prescribing his further powers in relation thereto, providing for the recovery of costs and expenses incurred by the Trust in moving and holding the vehicle, and authorising the Trust to hold the vehicle until all costs and expenses are paid;
- (e) prohibiting the removal by any person, other than the driver or owner of a vehicle in respect of which an offence against such a regulation is alleged to have been committed, of any notice relating to the offence affixed to the vehicle or left in or on the vehicle by an authorised officer; and
- (f) requiring any person, when required to do so by an authorised officer, to give his name and address to the authorised officer.

(2) In this section —

***authorised officer*** means a person authorised to serve infringement notices under section 18C(2).

*[Section 18A inserted by No. 4 of 1997 s. 7.]*

**18B. Penalty for contravention of regulations**

Regulations may provide for any contravention of, or failure to comply with, any provision of the regulations to be an offence

and may provide for the imposition of a penalty not exceeding \$1 000 for any such offence.

*[Section 18B inserted by No. 4 of 1997 s. 7.]*

**18C. Infringement notices**

- (1) A reference in subsection (2), (3), (5) or (7) to an ***authorised officer*** is a reference to an officer of the Trust appointed under subsection (11) to be an authorised officer for the purposes of the subsection in which the term is used.
- (2) Subject to section 18D, an authorised officer who has reason to believe that a person has committed an offence against a regulation made under section 18A may, within 21 days after the alleged offence is believed to have been committed, serve an infringement notice on the alleged offender.
- (3) An infringement notice shall —
  - (a) be in the prescribed form; and
  - (b) in every case —
    - (i) contain a description of the alleged offence;
    - (ii) state that, if the alleged offender does not wish to be prosecuted for the alleged offence in a court, the amount of money specified in the infringement notice as being the modified penalty for the alleged offence may be paid to an authorised officer within a period of 28 days after the giving of the infringement notice; and
    - (iii) inform the alleged offender what persons are authorised officers for the purposes of receiving payment of modified penalties.
- (4) The amount specified in an infringement notice as being the modified penalty for the alleged offence referred to in the infringement notice shall be the amount that was the prescribed modified penalty at the time when that offence is believed to have been committed.

**s. 18C**

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- (5) An authorised officer may, in a particular case, extend the period of 28 days within which the modified penalty may be paid, and that extension may be allowed whether or not the period of 28 days has elapsed.
- (6) When the modified penalty specified in an infringement notice has been paid within the period of 28 days or that period as extended and the infringement notice has not been withdrawn, the bringing of proceedings and the imposition of penalties are prevented to the same extent as they would have been if the alleged offender had previously been convicted by a court of, and punished for, the alleged offence.
- (7) An authorised officer may, whether or not the modified penalty has been paid, withdraw an infringement notice by sending to the alleged offender a notice in the prescribed form stating that the infringement notice has been withdrawn.
- (8) When an infringement notice is withdrawn after the modified penalty has been paid, the amount shall be refunded.
- (9) An amount paid as a modified penalty shall, subject to subsection (8), be dealt with as if it were a fine imposed by a court as a penalty for an offence.
- (10) Payment of a modified penalty is not to be regarded as an admission for the purposes of any proceedings, whether civil or criminal.
- (11) The Trust may in writing appoint persons, or the members of classes of persons, to be authorised officers for the purposes of subsection (2), (3), (5) or (7) or for the purposes of 2 or more of those subsections, but a person who is authorised to serve infringement notices under subsection (2) is not eligible to be an authorised officer for the purposes of any of the other subsections.
- (12) The Trust shall issue to each authorised officer who is authorised to serve infringement notices under subsection (2) a certificate stating that the authorised officer is so authorised,

and each such authorised officer shall produce the certificate whenever required to do so by a person to whom the authorised officer has given or is about to give an infringement notice.

*[Section 18C inserted by No. 4 of 1997 s. 7; amended by No. 84 of 2004 s. 80.]*

**18D. Owner onus in relation to motor vehicles**

- (1) If an allegation is made of an offence against a regulation made under section 18A, where an element of that offence is the use, driving, parking, standing or leaving of a motor vehicle, and the identity of the driver or person in charge of the motor vehicle at the time of the commission of that offence cannot be immediately established, an infringement notice in respect of that allegation may be served under section 18C(2) on the owner of the motor vehicle —
  - (a) in any case, at the owner's last known place of residence or business; or
  - (b) where the allegation is of an offence of which the parking, standing or leaving of the motor vehicle is an element, by leaving the infringement notice in or on, or attaching it to, the motor vehicle.
- (2) When an infringement notice is served on the owner of a motor vehicle in the circumstances referred to in subsection (1), then, unless within the period stated in the infringement notice or that period as extended —
  - (a) the modified penalty is paid; or
  - (b) the owner —
    - (i) identifies to an authorised officer the person who was the driver or person in charge of the motor vehicle at the relevant time; or

s. 19

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- (ii) satisfies an authorised officer that, at the relevant time, the motor vehicle had been stolen or unlawfully taken or was being unlawfully used,

the owner is deemed to be the driver or person in charge of the motor vehicle at the time of the commission of the alleged offence.

- (3) In this section —

**authorised officer** means an authorised officer appointed under section 18C(11) for purposes other than to serve infringement notices under section 18C(2);

**motor vehicle** has the meaning given by the *Road Traffic Act 1974* (*Administration*) Act 2008 section 4;

**owner** in relation to a vehicle means the person ~~who is to whom a licence in respect of~~ the ~~holder of the requisite~~ vehicle ~~licence has been granted~~ under the *Road Traffic (Vehicles) Act 1974* ~~in respect of that vehicle~~ 2012, or, if ~~the vehicle there~~ is not ~~licensed under that Act~~ such a person, the person who owns the vehicle or is entitled to its possession.

[Section 18D inserted by No. 4 of 1997 s. 7.7; amended by No. 8 of 2012 s. 199.]

## 19. Staff transitional provisions

- (1) Where an officer of the public service of the State becomes an officer or employee of the Trust he is entitled to retain all his existing and accruing rights (including any rights in relation to superannuation and related benefits) as if his service as an officer or employee of the Trust were a continuation of his service as an officer of that public service.
- (2) Where a person ceases to be an officer or employee of the Trust and becomes an officer of the public service of the State his service as an officer or employee of the Trust shall be regarded as service in that public service for the purposes of determining his rights as an officer of that public service (including any rights in relation to superannuation and related benefits).

- (3) For the purposes of the *Superannuation and Family Benefits Act 1938* the Trust is hereby declared to be a **department** within the meaning of that Act<sup>4</sup>.

**20. Review of the Act**

- (1) The Minister shall carry out a review of the operation and effectiveness of this Act as soon as is practicable after the expiration of 5 years from its commencement, and in the course of that review the Minister shall consider and have regard to —
- (a) the effectiveness of the operations of the Trust;
  - (b) the need for the continuation of the functions of the Trust; and
  - (c) such other matters as appear to him to be relevant to the operation and effectiveness of this Act.
- (2) The Minister shall prepare a report based on his review made under subsection (1) and shall, as soon as is practicable after the preparation thereof, cause the report to be laid before each House of Parliament.

*[Part VI omitted under the Reprints Act 1984 s. 7(4)(e).]*

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## **Schedule 1 — Provisions relating to the Trustees**

[s. 6(1)]

*[Heading amended by No. 19 of 2010 s. 4.]*

### **1. Certain persons ineligible for appointment**

A person is not eligible to be appointed as a trustee if the person is, according to the *Interpretation Act 1984* section 13D, a bankrupt or a person whose affairs are under insolvency laws.

*[Clause 1 inserted by No. 42 of 1997 s. 8; amended by No. 18 of 2009 s. 92(2).]*

### **2. Nomination for appointment**

When a vacancy under section 5(1)(c)(ii) is to be filled the Minister shall request The University of Western Australia to nominate a member of its staff for appointment and if a nomination is received within the time specified by the Minister in his request the vacancy shall be filled in accordance with that nomination.

### **3. Term of office**

- (1) Except as otherwise provided by this Act a trustee shall hold office for such term not exceeding 3 years as is specified in his instrument of appointment and is eligible for reappointment.
- (2) A trustee, unless he sooner resigns or is removed from office, shall continue in office until his successor comes into office notwithstanding that the term for which he was appointed may have expired.

### **4. Extraordinary vacancies**

The office of a trustee becomes vacant if —

- (a) he resigns his office by written notice addressed to the Minister; or
- (b) he is, according to the *Interpretation Act 1984* section 13D, a bankrupt or a person whose affairs are under insolvency laws; or



- (c) he is removed from office by the Minister on the grounds of neglect of duty, misbehaviour, incompetence or mental or physical incapacity impairing the performance of his duties; or
- (d) being a trustee appointed under section 5(1)(c)(i), he ceases to be an officer of the public service of the State; or
- (e) being the trustee appointed under section 5(1)(c)(ii), he ceases to be a member of the staff of The University of Western Australia; or
- (f) he is absent without leave of the board from 3 consecutive meetings of the board of which he has had notice.

*[Clause 4 amended by No. 18 of 2009 s. 92(3).]*

**5. Chairman**

- (1) The chairman of the board shall be such trustee as the Minister nominates as its chairman.
- (2) The office of the chairman of the board becomes vacant when the nomination of the next succeeding chairman takes effect or when the chairman ceases to be a trustee, or when the chairman resigns that office by written notice addressed to the Minister, whichever first occurs.

**6. Appointment of deputy**

- (1) In the case of the illness or absence of any trustee, the Minister may appoint a person as a deputy to act in the place of the trustee at any meeting of the board during that illness or absence.
- (2) A deputy appointed under this clause shall, while acting in place of a trustee, be deemed to be a trustee.
- (3) No act or omission of a person acting in place of another under this clause shall be questioned on the ground that the occasion for his appointment or acting had not arisen or had ceased.

**cl. 7**

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**7. Disclosure of pecuniary interests**

- (1) A trustee who has a direct or indirect pecuniary interest —
- (a) in a matter that is being considered, or is about to be considered, at a meeting of the board; or
  - (b) in a thing being done or about to be done by the Trust,

shall, as soon as possible after the relevant facts have come to the trustee's knowledge, disclose the nature of the interest at a meeting of the board.

- (2) A disclosure by a trustee at a meeting of the board that the trustee —
- (a) is a member, or is in the employment, of a specified company or other body;
  - (b) is a partner, or is in the employment, of a specified person; or
  - (c) has some other specified interest relating to a specified company or other body or a specified person,

shall be deemed to be a sufficient disclosure of the nature of the interest in any matter or thing relating to that company or other body or that person which may arise after the date of the disclosure.

- (3) The chairman of the board shall cause particulars of any disclosure made under subclause (1) or (2) to be recorded in a book kept for the purpose and that book shall be open at reasonable hours to the inspection of any person on payment of such fee as may be determined by the Trust from time to time.

- (4) After a trustee has, or is deemed to have, disclosed the nature of an interest in any matter or thing pursuant to subclause (1) or (2), the trustee shall not, unless the Minister otherwise determines —
- (a) be present during any deliberation of the board, or take part in any decision of the board, with respect to that matter; or
  - (b) exercise any functions under this Act with respect to that thing,

as the case may require.

- (5) Notwithstanding that a trustee contravenes the provisions of this clause, that contravention does not invalidate any decision of the Trust or the performance of any function under this Act.

- (6) A reference in this clause to a meeting of the board includes a reference to a meeting of a committee of the Trust.
- (7) A failure to comply with or a contravention of this clause shall be deemed to constitute misbehaviour for the purposes of clause 4(c).

**8. Common seal**

The common seal of the Trust shall be kept by the general manager.

**Schedule 2 — Meetings and procedures of the board of the Trust**

[s. 6(2)]

*[Heading amended by No. 19 of 2010 s. 4.]*

**1. Procedure and quorum**

- (1) The procedure for the calling of meetings of the board and the conduct of business at those meetings shall, subject to this Schedule and any regulations, be as determined by the board.
- (2) The Minister shall call the first meeting of the board by giving notice to the trustees in such way as the Minister thinks fit.
- (3) At a meeting of the board 4 trustees shall form a quorum.
- (4) The person presiding at a meeting of the board shall, in the event of an equality of votes, have, in addition to a deliberative vote, a second or casting vote.
- (5) A decision supported by a majority of the votes cast at a meeting of the board at which a quorum is present shall be the decision of the Trust.

**2. Minutes of meetings**

The general manager shall cause minutes of each meeting of the board to be recorded and preserved.

**3. Chairman to preside at meetings if present**

At a meeting of the board —

- (a) the chairman of the board; or
- (b) in the absence of the chairman or if it is a meeting held when no person holds the office of chairman of the board — a person elected by the trustees present at the meeting from among their number,

shall preside.

### **Schedule 3 — Provisions relating to the general manager**

[s. 12(3)]

*[Heading amended by No. 19 of 2010 s. 4.]*

**1. General manager to devote all his time to his duties**

The general manager shall devote the whole of his time to the duties of the office of general manager except with the consent of the Trust.

**2. Attendance of general manager at meetings**

The general manager —

- (a) may at the invitation of the board be present at a meeting of the board and be heard by the board on any matter being considered by it; and
- (b) is an *ex officio* member of each committee of the Trust.

**3. Schedule 1 clause 7 to apply to general manager**

Schedule 1 clause 7 (subclause (7) excepted) shall, so far as relevant and with any necessary modifications, apply to and in respect of the general manager in the same way as it applies to and in respect of a trustee.

### Notes

- <sup>1</sup> This is a compilation of the *Western Australian Sports Centre Trust Act 1986* and includes the amendments made by the other written laws referred to in the following table <sup>1a</sup>. The table also contains information about any reprint.

#### Compilation table

| Short title  | Number and year | Assent      | Commencement   |
|--|-----------------|-------------|--|
| <i>Western Australian Sports Centre Trust Act 1986</i>   | 101 of 1986     | 12 Dec 1986 | s. 1 and 2: 12 Dec 1986;<br>Act other than s. 1 and 2:<br>24 Dec 1986 (see s. 2 and<br><i>Gazette</i> 24 Dec 1986 p. 4963) |
| <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><br>30 Sep 1994 p. 4948)  |
| <i>Financial Legislation Amendment Act 1996 s. 64</i>  | 49 of 1996      | 25 Oct 1996 | 25 Oct 1996 (see s. 2(1))  |
| <i>Western Australian Sports Centre Trust Amendment Act 1997</i>   | 4 of 1997       | 10 Jun 1997 | 10 Jun 1997 (see s. 2)   |
| <i>Acts Amendment (Land Administration) Act 1997 s. 141</i>  | 31 of 1997      | 3 Oct 1997  | 30 Mar 1998 (see s. 2 and<br><i>Gazette</i> 27 Mar 1998 p. 1765)   |
| <i>Equal Opportunity Amendment Act (No. 3) 1997 s. 8</i>   | 42 of 1997      | 9 Dec 1997  | 6 Jan 1998 (see s. 2(1))   |
| <b>Reprint of the <i>Western Australian Sports Centre Trust Act 1986</i> as at 22 Mar 2002</b><br>(includes amendments listed above) |                 |             |  |
| <i>Criminal Procedure and Appeals (Consequential and Other Provisions) Act 2004 s. 80</i>  | 84 of 2004      | 16 Dec 2004 | 2 May 2005 (see s. 2 and<br><i>Gazette</i> 31 Dec 2004 p. 7129<br>(correction in <i>Gazette</i><br>7 Jan 2005 p. 53))      |
| <i>Machinery of Government (Miscellaneous Amendments) Act 2006 Pt. 5 Div. 3</i>  | 28 of 2006      | 26 Jun 2006 | 1 Jul 2006 (see s. 2 and <i>Gazette</i><br>27 Jun 2006 p. 2347)  |

| Short title  | Number and year                  | Assent                             | Commencement   |
|--|----------------------------------|------------------------------------|--|
| <i>Financial Legislation Amendment and Repeal Act 2006</i> Sch. 1 cl. 184  | 77 of 2006                       | 21 Dec 2006                        | 1 Feb 2007 (see s. 2(1) and <i>Gazette</i> 19 Jan 2007 p. 137)                   |
| <i>Duties Legislation Amendment Act 2008</i> Sch. 1 cl. 41   | 12 of 2008                       | 14 Apr 2008                        | 1 Jul 2008 (see s. 2(d))   |
| <i>Acts Amendment (Bankruptcy) Act 2009</i> s. 92  | 18 of 2009                       | 16 Sep 2009                        | 17 Sep 2009 (see s. 2(b))  |
| <b>Reprint 2: The Western Australian Sports Centre Trust Act 1986 as at 7 May 2010</b><br>(includes amendments listed above) |                                  |                                    |  |
| <i>Standardisation of Formatting Act 2010</i> s. 4   | 19 of 2010                       | 28 Jun 2010                        | 11 Sep 2010 (see s. 2(b) and <i>Gazette</i> 10 Sep 2010 p. 4341)                 |
| <i>Public Sector Reform Act 2010</i> s. 89   | 39 of 2010                       | 1 Oct 2010                         | 1 Dec 2010 (see s. 2(b) and <i>Gazette</i> 5 Nov 2010 p. 5563)                   |
| <a href="#"><u>Road Traffic Legislation Amendment Act 2012 Pt. 4 Div. 53</u></a>   | <a href="#"><u>8 of 2012</u></a> | <a href="#"><u>21 May 2012</u></a> | <a href="#"><u>27 Apr 2015 (see s. 2(d) and Gazette 17 Apr 2015 p. 1371)</u></a> |

<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

| Short title   | Number and year      | Assent                 | Commencement  |
|---|----------------------|------------------------|---|
| <i>State Superannuation (Transitional and Consequential Provisions) Act 2000</i> s. 75 <sup>4</sup> | 43 of 2000           | 2 Nov 2000             | To be proclaimed (see s. 2(2))  |
| <del><i>Road Traffic Legislation Amendment Act 2012 Pt. 4 Div. 53</i><sup>5</sup></del>             | <del>8 of 2012</del> | <del>21 May 2012</del> | <del>Operative on commencement of the <i>Road Traffic (Administration) Act 2008</i> (see s. 2(d))</del> |

<sup>2</sup> The provision of this Act amending these Acts has been omitted under the *Reprints Act 1984* s. 7(4)(e).

<sup>3</sup> Footnote no longer applicable.

<sup>4</sup> On the date as at which this compilation was prepared, the *State Superannuation (Transitional and Consequential Provisions) Act 2000* s. 75 had not come into operation. It reads as follows:

**75. Various provisions repealed**

The provisions listed in the Table to this section are repealed.

**Table of provisions repealed**

| <b>Act</b>   | <b>Provision</b> |
|--|------------------|
| <i>Western Australian Sports Centre Trust Act 1986</i> | s. 19(3)         |
| .....  | .....            |

<sup>5</sup> ~~On the date as at which this compilation was prepared, the *Road Traffic Legislation Amendment Act 2012* Pt. 4 Div. 53 had not come into operation. It reads as follows:~~

~~**Division 53 — *Western Australian Sports Centre Trust Act 1986* amended**~~

~~**198. — Act amended**~~

~~— This Division amends the *Western Australian Sports Centre Trust Act 1986*.~~

~~**199. — Section 18D amended**~~

~~(1) — In section 18D(3) in the definition of *motor vehicle* delete “*Road Traffic Act 1974*,” and insert:~~

~~— *Road Traffic (Administration) Act 2008* section 4;~~

~~(2) — In section 18D(3) in the definition of *owner* delete “who is the holder of the requisite vehicle licence under the *Road Traffic Act 1974* in respect of that vehicle, or, if the vehicle is not licensed under that Act,” and insert:~~

~~— to whom a licence in respect of the vehicle has been granted under the *Road Traffic (Vehicles) Act 2012*, or, if there is not such a person;~~



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