

WESTERN AUSTRALIA.



ANNO NONO

EDWARDI SEPTIMI REGIS,

XXVIII.

No. 32 of 1909.

AN ACT for the Endowment of Public Education.

[Assented to 4th December, 1909.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the *Public Education Endowment Act*, 1909. Short title.

2. (1.) The Governor may appoint the Minister of Education, the Inspector General of Schools for the time being, and three other fit and proper persons to be the trustees of an endowment for Public Education and may, upon the death, resignation, or absence from the State of any trustee, appoint any other fit and proper person a trustee in his place. Power to appoint trustees. See No. 6 of 1904, s. 2.

(2.) The trustees other than the Minister of Education and the Inspector General of Schools shall be appointed from time to time for not exceeding three years, and shall be eligible for re-appointment.

3. The trustees so appointed shall be a body corporate by the name of the "Trustees of the Public Education Endowment," and by that name shall have perpetual succession and a common seal. Trustees to be a body corporate. No. 6 of 1904, s. 3

and shall be capable of suing and being sued, and subject to the provisions of section seven, shall have power to hold, take, purchase, sell, lease, and in any manner deal with real and personal property for the purposes of this Act.

Endowment.
Ibid., s. 4.

4. By way of permanent endowment, the Governor may grant or demise to the trustees such lands of the Crown as he may think fit.

Property to be held in trust for public education.
No. 6 of 1904, s. 5.

5. All real and personal property vested in the trustees, or acquired by them by purchase, gift, devise, bequest, or otherwise, shall be held in trust for the purposes of public education.

Powers of trustees.
Ibid., s. 6.

6. The trustees shall have the entire control and management of all real and personal property at any time vested in or acquired by them ; and may set out roads, streets, and open spaces, and erect and maintain buildings upon and otherwise improve any land or other property as in their absolute discretion they may think fit, and may apply any trust funds in their hands to any such purposes.

Power to lease and, with the approval of the Governor, to mortgage lands.
Ibid., s. 7.

7. The trustees may grant leases of any lands granted or demised to them as aforesaid for any term not exceeding twenty-one years, and, with the approval of the Governor, but not otherwise, may grant building leases for any term not exceeding ninety-nine years, and may, with the like approval, mortgage such lands.

Power to dispose of land acquired by gift, etc.
Ibid., s. 8.

8. The trustees may dispose of any real or personal property acquired by gift, devise, or bequest as they may think fit, subject only to the express trusts of any deed, will, or instrument under which such property is acquired by them.

Investment and application of rents and profits.
See *Ibid.*, s. 9.

9. The rents, issues, profits, and proceeds of sale of all real and personal property vested in or acquired by the trustees, after payment of the expenses of and incidental to the administration of the trust, shall be paid into the Treasury, and may be invested in the names of the trustees in such securities as trustees are authorised by law to invest trust funds in their hands, or, with the approval of the Governor, in the purchase of other land to be held on the trust hereby created:

Provided that the annual income of all such real and personal property and investments may be applied by the trustees towards the improvement of such property, and the payment of salaries and other expenditure in carrying out the provisions of the Acts in force for the time being relating to public education :

Provided also that the proceeds of sale of any property or any moneys received by the trustees as premiums for the granting of leases, or raised by way of mortgage, may, with the approval of the Governor but not otherwise, be applied by the trustees in the improvement of any property vested in them.

10. No tax or rate shall be charged or levied upon any property acquired by the trustees under this Act, or upon the trustees in respect thereof; but the benefit of such exemption shall not extend to any other person who may become the owner of any estate or interest in such property, whether as purchaser, lessee, or otherwise; and notwithstanding such exemption, such property shall be rateable while the same is leased or occupied for any private purpose. Exemption of trust property from taxation. *Ibid.*, s. 10.
11. The trustees shall meet for the transaction of the business of the trust at such times as they may appoint, and any three of them shall be a quorum. Meetings. *Ibid.*, s. 11.
12. The trustees may from time to time appoint and dismiss such officers or servants as they may deem necessary, and may pay them such salaries or remuneration as they may think fit. Officers. *Ibid.*, s. 12.
13. The trustees may receive, out of the income of the trust property, such remuneration as the Governor may approve. Remuneration of trustees. *Ibid.*, s. 13.
14. The trustees shall transmit annually to the Colonial Treasurer a report of their administration of the trust, and of their receipts and expenditure, which shall be certified by the Auditor General; and such annual report shall be laid before both Houses of Parliament. Trustees to make annual report. *Ibid.*, s. 14.
15. This Act shall not affect the provisions of the University Endowment Act, 1904. Act not to affect University Endowment Act, 1904.