

WESTERN AUSTRALIA

ART GALLERY AMENDMENT ACT

No. 59 of 1988

AN ACT to amend the *Art Gallery Act 1959* and to amend the Schedule to the *Parliamentary Commissioner Act 1971* consequentially.

[Assented to 8 December 1988]

The Parliament of Western Australia enacts as follows:

Short title

1. This Act may be cited as the *Art Gallery Amendment Act 1988*.

Commencement

2. This Act shall come into operation on such day as is fixed by proclamation.

Principal Act

3. In this Act the *Art Gallery Act 1959** is referred to as the principal Act.

[*Reprinted as approved 20 March 1970 and amended by Acts Nos. 38 of 1974, 35 of 1978, 40 of 1981, 98 of 1985 and 75 and 113 of 1987.]

Section 4 amended

4. Section 4 of the principal Act is amended by inserting the following definitions in their appropriate alphabetical positions—

“ “Council” means the Council of the Foundation;

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

“rules” means the rules made with respect to the Foundation under section 28C; ”.

Section 22 amended

5. Section 22 of the principal Act is amended—

(a) in subsection (1), by inserting after paragraph (a) the following paragraph—

“ (aa) money made available to the Board from time to time by the Foundation; ”; and

(b) by inserting after subsection (5) the following subsection—

“ (6) During the period beginning on the day of commencement of the *Art Gallery Amendment Act 1988* and ending on the expiration of 12 months after that day, the Board may expend moneys from the Fund for purposes relating to or incidental to the establishment and operations of the Foundation. ”.

Sections 28A, 28B and 28C inserted

6. After section 28 of the principal Act the following sections are inserted—

The Art Gallery of Western Australia Foundation

“ 28A. (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.

Financial arrangements

28B. (1) Moneys received by the Foundation shall be paid to the credit of an account at the Treasury to be called the Account of The Art Gallery of Western Australia Foundation (in this section referred to as the Account).

(2) All expenditure incurred by the Foundation for the purposes of performing its functions shall be paid from 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.

Rules

28C. (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 Administration and Audit Act 1985* 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 authorized 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 30 added

7. After section 29 of the principal Act the following section is added—

Review

“ 30. (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. ”.

Consequential amendment

8. The Schedule to the *Parliamentary Commissioner Act 1971* is amended by inserting after the item relating to The Board of the Art Gallery of Western Australia the following item—

“ The Art Gallery of Western Australia Foundation established by the *Art Gallery Act 1959* ”.
