

# PERTH THEATRE TRUST.

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No. 59 of 1981.

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**AN ACT to amend the Perth Theatre Trust Act 1979.**

*[Assented to 13 October 1981.]*

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

1. (1) This Act may be cited as the *Perth Theatre Trust Amendment Act 1981*. Short title and citation.

(2) In this Act the Perth Theatre Trust Act 1979 is referred to as the principal Act. Act No. 79 of 1979.

(3) The principal Act as amended by this Act may be cited as the Perth Theatre Trust Act 1979-1981.

Section 3  
amended.

2. Section 3 (1) of the principal Act is amended by—

(a) deleting the definition of “manager” and substituting the following definition—

“ “general manager” means person appointed to be the general manager of the Trust under subsection (1) of section 17; ” ; and

(b) inserting, after the definition of “section”, the following definition—

“ “subparagraph” means subparagraph of the paragraph in which the term appears; ” .

Section 3A  
inserted.

3. After section 3 of the principal Act, the following section is inserted—

Transitional  
provisions  
relating to  
general  
manager

“ 3A. Notwithstanding anything in the Perth Theatre Trust Amendment Act 1981—

(a) the person who was, immediately before the date of coming into operation of that Act, the manager within the meaning of this Act before its amendment by that Act shall be deemed to have been appointed the general manager of the Trust under subsection (1) of section 17, as amended by that Act, on that date; and

(b) a reference to the general manager in this Act shall, in relation to the period commencing on the date of coming into operation of this Act and ending immediately before the date of coming into operation of the Perth Theatre Trust Amendment Act 1981, be construed as a reference to the manager within the meaning of this Act before its amendment by that Act. ” .

4. Section 17 of the principal Act is amended— Section 17 amended.
- (a) in subsection (3) by deleting “or industrial agreement under the Industrial Arbitration Act, 1912,” and substituting the following—
- “ under the Industrial Arbitration Act 1979 ” ;
- (b) in subsection (4) (b) by deleting “and Family Benefits Act, 1938” and substituting the following—
- “ Act ” ; and
- (c) by repealing subsection (5) and substituting the following subsections—
- “ (5) The Trust is deemed to be a department for the purposes of the Superannuation Act.
- (6) If the general manager or an officer or servant of the Trust—
- (a) was, immediately prior to his appointment as such, a contributor to the superannuation fund established under the City of Perth Superannuation Fund Act 1934 (in this subsection called “the City Fund”);
- (b) has received or is entitled to receive payment of a total amount consisting of—
- (i) the sum of contributions made by him to the City Fund;
- (ii) interest on the sum referred to in subparagraph (i); and
- (iii) any amount, in addition to the sum referred to in subparagraph (i) and to the interest

referred to in subparagraph (ii), payable to him in consequence of his having been a contributor to the City Fund,

which total amount is in lieu of pension or like benefits; and

- (c) has elected or elects, as the case requires, in writing at any time within the period commencing on the date of coming into operation of this Act and ending twelve months after the date of coming into operation of the Perth Theatre Trust Amendment Act 1981, to contribute under the Superannuation Act to the Superannuation Fund constituted under the Superannuation Act,

he may, within the period referred to in paragraph (c), pay or cause to be paid the amount referred to in paragraph (b) (iii) into the Consolidated Revenue Fund, and thereupon the period during which he was a contributor to the City Fund prior to his appointment as the general manager or an officer or servant of the Trust, as the case requires, shall be deemed, for the purposes of the Superannuation Act, to be service within the meaning of subsection (1) of section 6 of the Superannuation Act.

(7) If a person whose service is deemed under subsection (6), for the purposes of the Superannuation Act, to be service within the meaning of sub-

section (1) of section 6 of the Superannuation Act, or the dependants of such a person—

(a) becomes or become, as the case requires, entitled to a refund of contributions under the Superannuation Act; and

(b) is or are not, as the case requires, entitled to pension or benefits under the Superannuation Act,

there shall be paid to him or to them, as the case requires, in addition to the amount of the refund referred to in paragraph (a), an amount from the Consolidated Revenue Fund equal to the amount referred to in subsection (6) (b) (iii) which he paid or caused to be paid under subsection (6) into the Consolidated Revenue Fund.

(8) In this section—

“the Superannuation Act” means the Superannuation and Family Benefits Act 1938. ” .

5. After section 17 of the principal Act, the following section is inserted—

Section 17A inserted.

“ 17A. (1) The Trust may employ such casual or temporary staff as may be necessary for the purposes of a theatre vested in or leased to the Trust or over which it has control.

Employment of casual or temporary staff.

(2) Subject to any relevant award under the Industrial Arbitration Act 1979, the terms and conditions of employment of casual or temporary staff employed under subsection (1) are such terms and conditions as the Trust determines.

(3) The Trust may by agreement with a person using a theatre referred to in subsection (1) for the public presentation of any of the performing arts recover from that person the whole or part of the cost of employing casual or temporary staff for the purposes of that theatre whilst it is so used by that person.

(4) Notwithstanding anything in this section, the appointment and dismissal of casual or temporary staff employed under subsection (1) is in the sole power of the Trust. " .

Minor  
amendments.

6. The provisions of the principal Act specified in the Schedule to this Act are amended by inserting, before "manager" wherever it occurs, the following in each case—

" general " .

**SCHEDULE.** (Section 6)

MINOR AMENDMENTS.

Sections 10 (1), 14 (1) and (3) and 17 (1), (2), (3) and (4).

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