

## ART GALLERY.

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No. 35 of 1978.

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AN ACT to amend the Art Gallery Act, 1959-1974.

[Assented to 21st August, 1978.]

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 *Art Gallery Act Amendment Act, 1978*. Short title and citation.

(2) In this Act the Art Gallery Act, 1959-1974 is referred to as the principal Act. Reprinted as approved for reprint 20th March, 1970 and amended by Act No. 38 of 1974.

(3) The principal Act as amended by this Act may be cited as the Art Gallery Act, 1959-1978.

Commence-  
ment.

2. This Act shall come into operation on a date to be fixed by proclamation.

Long title  
amended.

3. The long title to the principal Act is amended by deleting the words "the Western Australian Art Gallery" in line two and substituting the words "The Art Gallery of Western Australia".

Section 4  
amended.

4. Section 4 of the principal Act is amended—

(a) by deleting the interpretations "Art Gallery" and "Board" and substituting interpretations as follows—

"Art Gallery" means the art gallery referred to in section four A of this Act;

"Board" means the board referred to in subsection (1) of section five of this Act; ;

(b) by adding after the interpretation "chairman" an interpretation as follows—

"Director" means the Director of the Art Gallery appointed under section sixteen of this Act; ;

and

(c) by adding after the interpretation "member" an interpretation as follows—

"proclaimed date" means the date fixed by proclamation for the coming into operation of the Art Gallery Act Amendment Act, 1978; .

Section 4A  
added.

5. The principal Act is amended by adding after section 4 a section as follows—

Change of  
name of Art  
Gallery.

4A. 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". .

6. Section 5 of the principal Act is amended— Section 5  
amended.

(a) by repealing subsection (1) and substituting a subsection as follows—

(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. ; and

(b) by deleting the words "When constituted the" in line one of subsection (2) and substituting the word "The".

7. Section 6 of the principal Act is amended— Section 6  
amended.

(a) by repealing subsection (1) and substituting subsections as follows—

(1) The Board shall consist of seven members including the chairman and vice chairman, all appointed by the Governor.

(1a) Subject to subsection (1) of section eight of this Act 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. ; and

(b) by repealing subsection (3).

8. The principal Act is amended by repealing section 7 and re-enacting that section as follows— Section 7  
repealed  
and  
re-enacted.

7. Subject to this Act, each member shall hold office for such term, not exceeding four Tenure of  
office.

years, as is specified in the instrument of his appointment, but is eligible for re-appointment. .

Section 13  
amended.

9. Section 13 of the principal Act is amended by deleting the word "three" in line seven and substituting the word "four".

Section 16  
amended.

10. Section 16 of the principal Act is amended—

(a) by repealing subsection (1) and substituting subsections as follows—

(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 paragraph (b) of subsection (1) of this section 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. ; and

(b) by repealing subsection (2) and substituting subsections as follows—

(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. .

11. Section 18 of the principal Act is amended by repealing subsection (1) and re-enacting that subsection as follows—

Section 18  
amended.

(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. .

12. Section 22 of the principal Act is amended—

Section 22  
amended.

(a) as to subsection (1) by deleting the words “Western Australian Art Gallery” in line two of paragraph (c) and substituting the words “Art Gallery of Western Australia”;

(b) as to subsection (2) by deleting the words “Western Australian Art Gallery” in line three and substituting the words “Art Gallery of Western Australia”; and

(c) by adding after subsection (2) a subsection as follows—

(2a) On the proclaimed date, or as soon as practicable thereafter, any money then standing to the credit of an account called “The Western Australian Art Gallery Fund” shall be placed to the credit of the account referred to in subsection (2) of this section. .

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