



Western Australia

Public Education Endowment Act 1909

Compare between:

[04 Jan 2002, 02-a0-05] and [01 Feb 2007, 02-b0-09]

Public Education Endowment Act 1909

An Act for the Endowment of Public Education.

1. Short title

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

1A. Interpretation

In this Act unless the contrary intention appears —

“chief executive officer of the department” means the chief executive officer of the department referred to in section 228 of the *School Education Act 1999*;

“purposes of public education” includes the provision of residential or other accommodation for teachers or trainee teachers in any government school within the meaning of the *School Education Act 1999*.

[Section 1A inserted by No. 3 of 1970 s. 2; amended by No. 7 of 1988 s. 25; No. 22 of 1996 s. 16(10); No. 36 of 1999 s. 247.]

2. Power to appoint trustees

- (1) The Governor may appoint the Minister charged with the administration of the *School Education Act 1999*, the chief executive officer of the department for the time being, and 3 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.

s. 3

- (2) The trustees other than the Minister referred to in subsection (1) and the chief executive officer of the department shall be appointed from time to time for not exceeding 3 years, and shall be eligible for re-appointment.

[Section 2 amended by No. 63 of 1981 s. 4; No. 7 of 1988 s. 26; No. 36 of 1999 s. 247.]

3. Trustees to be a body corporate

The trustees so appointed shall be a body corporate by the name of the “Trustees of Public Education Endowment,” and by that name shall have perpetual succession and a common seal, and shall be capable of suing and being sued, and subject to the provisions of section 7, 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.

4. Endowment

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

5. Property to be held in trust for public education

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.

6. Powers of trustees

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 ~~and~~[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.

7. Power to lease and, with the approval of the Governor, to mortgage or exchange lands

The trustees may grant leases of any lands granted or demised to them as aforesaid for any term not exceeding 21 years, and with the approval of the Governor, but not otherwise, may grant leases for any term not exceeding 99 years, and may, with the like approval, mortgage or exchange such lands.

[Section 7 amended by No. 7 of 1925 s. 2.]

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

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.

9. Investment and application of rents and profits

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 as trust funds may be invested under Part III of the *Trustees Act 1962*, 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.

s. 9A

[Section 9 amended by No. 1 of 1997 s. 18.]

9A. Power to sell and apply money held

Notwithstanding the other provisions of this Act or the provisions of any other Act, on and after the coming into operation of the *Public Education Endowment Act Amendment Act 1970*¹ the trustees, with the approval of the Governor —

- (a) may sell any land vested in them for the purposes of public education pursuant to section 4 and may transfer the land to the purchaser free of all trusts; and
- (b) where they hold money derived, as proceeds of sale or otherwise, from land that was or is vested in them for the purposes of public education pursuant to section 4, irrespective of whether they received the money before or after the coming into operation of the *Public Education Endowment Act Amendment Act 1970*¹, may, for the purposes of public education, apply the money or any portion of it, and the whole or any portion of income from the money, to the improvement of land vested in the Minister for Education.

[Section 9A inserted by No. 3 of 1970 s. 3.]

10. Exemption of trust property from taxation

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.

11. Meetings

The trustees shall meet for the transaction of the business of the trust at such times as they may appoint, and any 3 of them shall be a quorum.

12. Officers

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.

13. Remuneration of trustees

The trustees may receive, out of the income of the trust property, such remuneration as the Governor may approve.

14. Application of the *Financial Administration and Audit Act 1985* *Management Act 2006 and the Auditor General Act 2006*

The provisions of the *Financial Administration Management Act 2006* and *Audit the Auditor General Act 1985 2006* regulating the financial administration, audit and reporting of statutory authorities apply to and in respect of the trustees and their operations.

[Section 14 inserted by No. 98 of 1985 s. 33; amended by No. 77 of 2006 s. 17.]

15. Act not to affect *University of Western Australia Act 1911*

This Act shall not affect the provisions of the *University of Western Australia Act 1911*.

[Section 15 amended by No. 75 of 2000 s. 18.]

Notes

- ¹ This is a compilation of the *Public Education Endowment Act 1909* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any previous reprint.

Compilation table

Short title	Number and year	Assent	Commencement
<i>Public Education Endowment Act 1909</i> ²	32 of 1909	4 Dec 1909	4 Dec 1909
<i>Public Education Endowment Amendment Act 1925</i>	7 of 1925	24 Sep 1925	24 Sep 1925
<i>Ministers' Titles Act 1925</i>	8 of 1925	24 Sep 1925	24 Sep 1925
<i>Public Education Endowment Act Amendment Act 1970</i>	3 of 1970	29 Apr 1970	29 Apr 1970
<i>Acts Amendment (Statutory Designations) and Validation Act 1981</i> s. 4	63 of 1981	13 Oct 1981	13 Oct 1981
<i>Acts Amendment (Financial Administration and Audit) Act 1985</i> s. 3	98 of 1985	4 Dec 1985	1 Jul 1986 (see s. 2 and <i>Gazette</i> 30 Jun 1986 p. 2255)
Reprint of the <i>Public Education Endowment Act 1909</i> as at 29 Dec 1987 (includes amendments listed above) ²			
<i>Acts Amendment (Education) Act 1988</i> Pt. 11	7 of 1988	30 Jun 1988	8 Jul 1988 (see s. 2 and <i>Gazette</i> 8 Jul 1988 p. 2371)
<i>Education Amendment Act 1996</i> s. 16(10)	22 of 1996	11 Jul 1996	11 Jul 1996 (see s. 2(1))
<i>Trustees Amendment Act 1997</i> s. 18	1 of 1997	6 May 1997	16 Jun 1997 (see s. 2 and <i>Gazette</i> 10 Jun 1997 p. 2661)

Short title	Number and year	Assent	Commencement
<i>School Education Act 1999 s. 247</i>	36 of 1999	2 Nov 1999	1 Jan 2001 (see s. 2 and <i>Gazette</i> 29 Dec 2000 p. 7904)
<i>Universities Legislation Amendment Act 2000 s. 18</i>	75 of 2000	7 Dec 2000	13 Jan 2001 (see s. 2(1) and <i>Gazette</i> 12 Jan 2001 p. 245)
Reprint of the <i>Public Education Endowment Act 1909</i> as at 4 Jan 2002 (includes amendments listed above)			
<i>Financial Legislation Amendment and Repeal Act 2006 s. 17</i>	77 of 2006	21 Dec 2006	1 Feb 2007 (see s. 2(1) and <i>Gazette</i> 19 Jan 2007 p. 137)

² Marginal notes in the *Public Education Endowment Act 1909* referring to the *University Endowment Act-1904* have been omitted from this and later reprints.