



Western Australia

## **National Trust of Australia (W.A.) Act 1964**

Compare between:

[01 Feb 2007, 02-c0-04] and [14 Apr 2008, 02-d0-02]



## National Trust of Australia (W.A.) Act 1964

**An Act to establish and incorporate and confer powers upon The National Trust of Australia (W.A.) and for incidental and other purposes.**

**1. Short title**

This Act may be cited as the *National Trust of Australia (W.A.) Act 1964*<sup>1</sup>.

*[Section 1 amended by No. 70 of 1970 s. 1.]*

**2. Commencement**

This Act shall come into operation on a date to be fixed by proclamation<sup>1</sup>.

**3. Interpretation**

In this Act, unless the contrary intention appears, —

**“councillor”** means a member of the Council;

**“the Association”** means the association incorporated under the *Associations Incorporation Act 1895*<sup>2</sup>, on 11 September 1959 by the name of The National Trust of Australia (W.A.);

**“the Council”** means the Council of The Trust;

**“The Trust”** means The National Trust of Australia (W.A.) established and incorporated under this Act.

**4. Establishment of The Trust**

- (1) A body corporate with perpetual succession is hereby established under the name “The National Trust of Australia (W.A.)” which shall consist of the persons who —
- (a) were members of the Association immediately before the coming into operation of this Act; and
  - (b) under the rules of The Trust for the time being in force are members thereof,

and after the constitution of the Council under section 10, the persons who from time to time hold office as appointed councillors under that section.

- (2) The Trust —
- (a) shall have a common seal;
  - (b) has, subject to this Act, power to acquire, hold and dispose of real and personal property;
  - (c) has power to borrow money either with or without security;
  - (d) may sue and be sued in its corporate name; and
  - (e) is capable of doing and suffering all that bodies corporate may do and suffer.

**5. Objects of The Trust**

- (1) Subject to this Act, the objects of The Trust are those set out in the Schedule.
- (2) The Governor may, by order in council at the request of The Trust and after a resolution in that behalf has been duly passed by The Trust, amend by adding to, taking away from, varying or modifying any of the objects contained in the Schedule.

**6. Dissolution of the Association**

- (1) On the coming into operation of this Act the Association is, by force of this section, dissolved and the Registrar of Companies shall cancel the Certificate of Incorporation issued to the Association on 11 September 1959 under the *Associations Incorporation Act 1895*<sup>2</sup>.
- (2) The Trust shall deliver to the Registrar of Companies the Certificate of Incorporation referred to in subsection (1), when requested by him so to do, for the purpose of the Certificate being cancelled under that subsection.
- (3) A reference —
  - (a) in a law of the State; and
  - (b) in any document,in force immediately before the coming into operation of this Act, to the Association shall be read, deemed and taken to refer to The Trust.
- (4) All real and personal property and every right and interest therein that immediately before the date of the coming into operation of this Act was vested in the Association —
  - (a) shall vest in and belong to The Trust for the purposes of this Act; and
  - (b) shall be held by it subject to the conditions or trusts on which it was held immediately before that date.
- (5) All rights accruing or accrued to the Association in respect of any property vested in The Trust by virtue of this section —
  - (a) are vested in The Trust; and
  - (b) may be enforced against The Trust.
- (6) All contracts, agreements and undertakings made by the Association and existing immediately before the date of the coming into operation of this Act, have effect as contracts,

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agreements and undertakings by and with The Trust and may be enforced by and against The Trust accordingly.

- (7) Any legal or other proceedings that might, but for this section, have been continued or commenced by or against the Association under its corporate name may be continued or commenced by or against The Trust under its corporate name.

**7. The Council of The Trust**

- (1) The affairs of The Trust and the business and management thereof shall, subject to this Act and the rules, be administered, managed and conducted by a council to be known as the Council of The National Trust of Australia (W.A.).
- (2) Subject to this Act, the Council has and may exercise and discharge the powers, authorities, duties and functions that are conferred and imposed upon the Council or The Trust by or under this or any other Act, and the Council may do and perform all such acts and things as are necessary or convenient for giving effect to the objects of The Trust.

**8. Constitution of the first Council of The Trust**

- (1) The first Council of The Trust shall consist of the persons who immediately before the coming into operation of this Act held office as members of the Council of the Association.
- (2) The members of the first Council shall hold office, subject to this Act, until the Council is duly constituted under section 10 or until the expiration of one year from the coming into operation of this Act, whichever is the earlier.
- (3)(a) When a casual vacancy occurs in the office of a member of the first Council the remaining members of that Council may appoint to the vacant office a person who, immediately before the coming into operation of this Act, was a member of the Association.

- (b) The person so appointed holds office, subject to this Act, for the remainder of the term of office of the person in whose place he is appointed.
- (4) A person who is a member of the first Council is, unless otherwise disqualified, eligible for election or appointment under section 10.
- (5) In addition to the powers, authorities, duties and functions conferred and imposed upon the Council by this Act, the first Council shall take all steps necessary to ensure that the Council is duly constituted and appointed under section 10 as soon as practicable after the coming into operation of this Act.

## 9. **Officers of first Council**

A person who, immediately before the coming into operation of this Act, held office as the President, a Vice President, the Honorary Secretary, Honorary Treasurer of the Association or Chairman of the Council of the Association shall hold office as the President, a Vice President, the Honorary Secretary, the Honorary Treasurer of The Trust or Chairman of the Council, as the case may be, until their respective successors in office are elected in accordance with the provisions of this Act.

## 10. **Constitution of the Council other than the first Council**

The Council, other than the first Council, shall consist of —

- (a) 16 councillors (in this Act called the **“elected councillors”**) who shall be elected in accordance with the rules from amongst the members of The Trust, and those 16 elected councillors shall include the President, 2 Vice Presidents, the Secretary and the Treasurer of The Trust; and
- (b) 9 councillors who shall be appointed by The Trust (in this Act called the **“appointed councillors”**) of whom —
  - (i) one shall be appointed on the nomination of the Premier and Treasurer of the State;

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- (ii) one shall be appointed on the nomination of The Senate of the University of Western Australia constituted pursuant to the *University of Western Australia Act 1911*;
- (iii) one shall be appointed on the nomination of the body known as The Royal Western Australian Historical Society (Inc.);
- (iv) one shall be appointed on the nomination of the body known as Royal Australian Institute of Architects (Western Australia Chapter);
- (v) one shall be appointed on the nomination of the body known as The Royal Society of Western Australia;
- (vi) one shall be appointed on the nomination of the body known as The Country Women's Association of Western Australia (Inc.);
- (vii) one shall be appointed on the nomination of the body known as The Tree Society (Inc.);
- (viii) one shall be appointed on the nomination of the body known as the Western Australian Local Government Association; and
- (ix) one shall be appointed on the nomination of the body known as The Western Australian Tourist Development Authority <sup>4</sup>.

*[Section 10 amended by No. 49 of 2004 s. 13.]*

**11. Term of office of councillors**

- (1) Subject to this section and to section 12 —
  - (a) an appointed or elected councillor shall be appointed or elected for a term of 3 years, but any such councillor may, from time to time, be re-appointed or re-elected if he is then otherwise eligible for appointment or election;



- (b) an appointed or elected councillor may at any time resign his office by writing addressed to the President of The Trust;
  - (c) an appointed councillor may at any time be removed from office by the Minister for disability, bankruptcy, neglect of duty or misconduct.
- (2) With respect to the first appointed and elected councillors the following provisions apply —
  - (a) 9 of those councillors, being 3 appointed councillors and 6 elected councillors, shall retire on the day immediately preceding the first anniversary of their appointment or election;
  - (b) 8 of those councillors, being 3 appointed councillors and 5 elected councillors, shall retire on the day immediately preceding the second anniversary of their appointment or election;
  - (c) 8 of those councillors, being 3 appointed councillors and 5 elected councillors, shall retire on the day immediately preceding the third anniversary of their appointment or election;
  - (d) the councillors so to retire in any year shall, unless they otherwise agree among themselves, be determined by lot.
- (3)(a) When an appointed or elected councillor dies, resigns or is removed from office, the vacancy so created shall be filled in the manner in which the appointment or election to the vacant office was originally made.
- (b) Every person so appointed or elected shall hold office for the remainder of the term of office of the person in whose place he is appointed or elected.
- (4) Unless he sooner vacates his office otherwise than by effluxion of time, every councillor shall continue in office until his

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successor comes into office, notwithstanding that the term for which he was appointed or elected may have expired.

**12. Vacancies in Council**

A councillor shall be deemed to have vacated his office if he —

- (a) dies;
- (b) declines to act as a councillor;
- (c) resigns his office in writing addressed to the President of The Trust and his resignation is accepted by The Trust;
- (d) is absent without leave of the Council from 6 consecutive ordinary meetings of the Council, of which notice has been sent to him;
- (e) being an elected councillor ceases to be a member of The Trust;
- (f) holds any office of profit under The Trust; or
- (g) in any way, otherwise than as a member and in common with other members of an incorporated company consisting of not less than 51 persons, —
  - (i) becomes concerned or interested without the approval of The Trust in any contract or agreement entered into by or on behalf of The Trust;
  - (ii) participates or claims to participate without that approval in the profit of any such contract or agreement.

**13. Meetings of the Council**

- (1) At the first duly convened meeting of the Council held after the annual general meeting of The Trust the councillors shall, in accordance with the rules, elect from among the elected councillors a Chairman and Deputy Chairman of the Council.

- (2) A person elected under the provisions of this section shall hold office, subject to this Act, until the election of his successor in accordance with the rules.
- (3)(a) Where a casual vacancy occurs in the office of the President, a Vice President, the Secretary or Treasurer of The Trust or the Chairman or Deputy Chairman of the Council, the councillors shall, in accordance with the rules, elect from the remaining elected councillors a successor to fill the vacant office and the successor shall hold office for the remainder of the term of office of the person in whose place he is elected.
- (b) In this subsection “**elected councillor**” includes a person elected, under section 11(3), to the vacant office of an elected councillor.
- (4) The Chairman of the Council shall preside at all meetings at which he is present.
- (5) The Deputy Chairman shall preside at all meetings of the Council at which the Chairman is not present and in the absence of both the Chairman and the Deputy Chairman from any such meeting, the members present shall appoint one of their number to be Chairman of that meeting.
- (6) Meetings of the Council shall be held at such times and places as the Council determines.
- (7)(a) A special meeting of the Council may at any time be convened by the Chairman of the Council and the Chairman shall call a special meeting whenever requested to do so in writing by 4 councillors.
- (b) Not less than 7 days’ notice of every special meeting, and of the business to be transacted thereat, shall be given to each councillor and no business, other than that specified in that notice, except with the consent of all councillors present and voting at the meeting, shall be transacted at that meeting.

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- (8) No business shall be transacted at any meeting of the Council unless at least a quorum of councillors is present thereat for the whole time during which the business is transacted.
- (9) At a meeting of the Council —
  - (a) 8 councillors form a quorum;
  - (b) every question before the Council shall be determined by a majority of the votes of the councillors present and voting on that question.
- (10) Subject to the rules of The Trust and to this section, the Council may regulate its own proceedings.

**14. Validity of acts and proceedings**

- (1) No act or proceeding of the Council or of any person acting pursuant to a direction of the Council shall be invalidated or prejudiced by reason only of the fact that at the time the act or proceeding was done, taken or commenced there was a vacancy or vacancies in the office or offices of any councillor.
- (2) All acts and proceedings of the Council shall, notwithstanding the subsequent discovery of any defect in the appointment or election of any councillor, or that any councillor was disqualified from acting as or incapable of being a councillor, be as valid as if that councillor had been duly appointed or elected, or was qualified to act as or capable of being, and had acted as, a councillor and as if the Council had been duly and fully constituted.
- (3) No action, claim or demand lies, or shall be commenced or allowed, by or in favour of any person against the Council or councillors in respect of any act, matter or thing done by the Council or any councillor in good faith in the exercise or purported exercise of any powers or functions under this Act or for the purpose of giving effect to the provisions or objects of this Act.

**15. Power of Council to appoint Executive Committee**

- (1) The Council may —
  - (a) appoint an Executive Committee consisting of such councillors as it thinks fit; and
  - (b) delegate any of the Council's powers under this Act, except this power of delegation, to any committees appointed by the Council (including the Executive Committee) consisting of such member or members of The Trust as it thinks fit.
- (2) Any committee appointed under subsection (1) shall, in the exercise of the powers so delegated, conform to any conditions that are imposed on it by the Council.
- (3) The Chairman of the Council shall be *ex officio* a member of all such committees.
- (4) Any committee (including the Executive Committee) may, with the approval of the Council, co-opt any persons to serve on the committee, for a period to be determined by the Council, whether or not those persons are members of The Trust.
- (5) A delegation under this section is revocable at will and the delegation does not prevent the exercise by the Council of any of its powers under this Act.

**16. Common seal**

- (1) The Council has the custody of the common seal of The Trust and the form of that seal and all other matters relating to the seal shall, subject to this section, be from time to time determined at a duly constituted meeting of the Council.
- (2) The common seal shall not be used except upon the order of the Council.
- (3) Where the common seal is affixed to an instrument it shall be so affixed in the presence of the President of The Trust or one of the Vice Presidents of The Trust and of the Secretary of The

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Trust and the instrument shall be signed by the President or one Vice President and the Secretary in whose presence the common seal was so affixed.

- (4) All courts, judges and persons acting judicially shall take judicial notice of the common seal of The Trust and shall presume that it was duly affixed.

**17. Exemption from rates and taxes**

- (1) No rate or tax shall be made, charged or levied under any law of the State on or in respect of any real property or chattel real belonging to The Trust.
- (2) No duty is payable under Part V of the *Administration Act 1903*, in respect of any property received or derived by, or accruing to The Trust after the coming into operation of this Act.
- (3) An instrument executed after the coming into operation of this Act by which any real or personal property is assured to or vested in The Trust for purposes of this Act or agreed to be so assured or vested is exempt from any stamp duty chargeable under the *Stamp Act 1921*.

**18. Power of The Trust to accept gifts**

The Trust may accept any gift, whether by will or *inter vivos*, of any real or personal property and whether in possession, reversion or remainder, or disclaim the benefit of any such gift.

**19. Investment of funds**

- (1) Subject to the terms of any trust or endowment, any money belonging to The Trust that is not immediately required for expenditure by The Trust may be invested as trust funds may be invested under Part III of the *Trustees Act 1962* and The Trust may from time to time sell, vary or transpose any such investment.

- (2) The Trust may retain and hold any investments that may be transferred to The Trust otherwise than by way of purchase, notwithstanding that those investments may not be of the nature authorised by subsection (1).

*[Section 19 amended by No. 1 of 1997 s. 18.]*

**20. Sale or disposal of certain property**

- (1) Where The Trust adjudges any real or personal property that is vested in it, to be unfit or not required for the objects of The Trust it may, with the consent of the Governor, notwithstanding the terms of any trust affecting that property or of any arrangement or condition made or agreed to by it at the time of the acquisition of the property by The Trust —
- (a) sell the property or exchange it for any other property; or
  - (b) dispose of it without consideration or, in the case of personal property, destroy the property, if The Trust adjudges it to be of no saleable value,

and the proceeds of any sale made pursuant to paragraph (a) shall, after deducting the costs of and incidental to the sale from the proceeds, be held for the objects of The Trust.

- (2) Any property sold or disposed of by The Trust, pursuant to subsection (1), shall vest in the person acquiring the property by virtue of the sale or disposition freed and discharged from any trust, arrangement or condition relating to any sale or disposition of the property or to the use of the property, to which it was subject in the hands of The Trust.
- (3) A person acquiring any property from The Trust purporting to exercise any of the powers conferred on it by subsection (1) shall not be concerned to inquire whether a case has arisen to authorise the sale or other disposition of the property or whether the power was otherwise duly exercised or to see to the application of any purchase money paid to The Trust.

**21. Leasing and mortgaging of property**

The Trust may mortgage, charge or lease any property vested in it, or grant a license in respect thereof and may enter into any guarantee in relation to the payment of any money and give and enter into any form of guarantee, but The Trust shall not borrow any money or mortgage or charge any of that property, except with the prior written consent of the Minister.

**21A. Agreements with The Trust restricting use of land**

- (1) Where any person is willing to agree with The Trust that any land shall, so far as his interest in the land enables him so to bind it, be made subject either permanently or for a specified period to conditions restricting the planning, development or use thereof in any manner The Trust may, if it thinks fit agree to accept and accept a covenant from the person to that effect, in like manner and to the like extent as if The Trust were possessed of or entitled to or interested in adjacent land and as if the covenant had been and had been expressed to be entered into for the benefit of that adjacent land.
- (2) Where the land to which a covenant accepted by The Trust pursuant to subsection (1) relates, is land under the *Transfer of Land Act 1893*, the provisions of Division 3A of Part IV of that Act apply to and in relation to the registration, discharge, modification and dealing with that covenant and any restriction arising therefrom.
- (3) Where the land to which a covenant accepted by The Trust pursuant to subsection (1) relates is not land under the *Transfer of Land Act 1893* —
  - (a) the provisions of sections 129B and 129C of that Act, apply so far as they are capable of being applied, to and in relation to the discharge, modification and dealing with that covenant and any restriction therefrom as if the land were land under that Act; and



- (b) the Registrar of Deeds and Transfers under the *Registration of Deeds Ordinance 1856*, shall, upon the production of the memorial required under that Act, give due effect to any agreement duly made under section 129B of the *Transfer of Land Act 1893*, as so applied, and any order of a judge made under section 129C of that Act as so applied.
- (4) A covenant to which any land is subject pursuant to this section shall, unless a contrary intention is expressed, be deemed to be made by the covenantor on behalf of himself, his successors in title (including the owners and occupiers for the time being of the land) and the persons deriving title under him or them and unless a contrary intention is expressed, shall have effect as if such successors and other persons were expressed.

*[Section 21A inserted by No. 70 of 1970 s. 2.]*

## **22. Appointment of officers**

- (1) The Trust may —
  - (a) appoint such employees as may be necessary for the efficient carrying out of the functions of The Trust under this Act;
  - (b) engage and remunerate for their services such professional persons or agents as The Trust considers may be necessary for carrying out the objects of The Trust.
- (2) Notwithstanding anything in subsection (1), to the extent that there is in the case of a person who is appointed under that subsection to be an employee of The Trust and who is a member of the Senior Executive Service within the meaning of the *Public Sector Management Act 1984*<sup>3</sup> an inconsistency between this Act and that Act that Act shall prevail.

*[Section 22 amended by No. 113 of 1987 s. 32.]*

**23. Application of *Financial Management Act 2006* and *Auditor General Act 2006***

The provisions of the *Financial Management Act 2006* and the *Auditor General Act 2006* regulating the financial administration, audit and reporting of statutory authorities apply to and in respect of The Trust and its operations.

*[Section 23 inserted by No. 98 of 1985 s. 3; amended by No. 77 of 2006 s. 17.]*

*[24. Repealed by No. 98 of 1985 s. 3.]*

**25. Funds of The Trust**

The funds of The Trust shall comprise —

- (a) all money received by The Trust out of money appropriated by Parliament for the purposes of this Act;
- (b) all money that may be contributed to The Trust or that may otherwise be lawfully payable to The Trust;
- (c) all money received by The Trust by way of fees, rent and otherwise in respect of any land vested in or under the control of The Trust;
- (d) all money received by The Trust from the sale or other disposal of any property of The Trust;
- (e) all accumulation of money belonging to The Trust; and
- (f) all fines payable to The Trust by or under this Act.

**26. By-laws**

- (1) The Council may make by-laws not inconsistent with this Act for or with respect to —
  - (a) the care, control and management of lands, buildings or chattels acquired by, vested in, or under the control of The Trust;
  - (b) the regulation of the use and enjoyment of those lands, buildings or chattels;

- (c) the securing of decency and order upon those lands or buildings;
- (d) for preventing trespassing on any of those lands and buildings and for the removal of trespassers and other persons causing annoyance or inconvenience upon or in those lands or buildings;
- (e) the regulation or prevention of the taking of intoxicating liquor onto or into and the consuming thereof upon or in those lands or buildings;
- (f) the regulation, control or prohibition of the taking of animals onto or into those lands or buildings or permitting or suffering animals to be on or in those lands or buildings;
- (g) the regulation, control or prohibition of the lighting of fires, parking, camping or residing on or in those lands or buildings, the making of charges for the parking, camping or residing, and the collecting and receiving of those charges by the Council or by other persons;
- (h) the preservation or protection of, or prevention of damage to, animals, birds, fish or other fauna whatsoever, trees and plants of any kind whatsoever, in or on any of those lands;
- (i) the making of charges or entrance fees for persons, clubs or associations using or entering upon those lands or buildings or any specified parts thereof and the collecting and receiving of those charges and fees by the Council or by other persons;
- (j) the preservation, protection or removal of any rocks, soil, sand, stone or other similar substances on or under or comprising part of those lands;
- (k) the protection or removal of all dead timber, logs and stumps on those lands, whether standing or fallen;
- (l) the prescribing of any other matter that it is necessary or convenient to prescribe for the purpose of the

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administration and enforcement of this Act, not being matters for and with respect to which rules may be made.

- (2)(a) The by-laws may impose a penalty not exceeding one hundred dollars for any breach thereof.

*[(b) deleted]*

- (3) Every by-law made by the Council under this section shall be —
- (a) sealed with the common seal of The Trust;
  - (b) submitted to the Governor for confirmation before being published in the *Gazette* or laid before Parliament,

and shall not be so published or laid before Parliament or have any force or effect unless confirmed by the Governor.

*[Section 26 amended by No. 84 of 2004 s. 80.]*

**27. Rules**

The Trust may in general meeting make rules, not inconsistent with this Act or the by-laws for or with respect to —

- (a) regulating the affairs, business and management of The Trust;
- (b) the method and time of convening, holding and adjourning meetings of The Trust, the voting at those meetings, including postal and proxy voting, the conduct and record of the business of The Trust, the quorum at those meetings and all matters of or incidental to the proceedings at those meetings;
- (c) the mode of election and nomination of a President, Vice Presidents, Secretary and Treasurer of The Trust and the elected councillors;
- (d) casual vacancies in the office of President, Vice President, Secretary or Treasurer of The Trust;
- (e) regulating the admission, resignation and expulsion of members of The Trust and the types and classification of

those members and the levying of subscriptions on those members;

- (f) all matters that are required or permitted by this Act to be prescribed by the rules or are considered necessary or convenient by The Trust to be prescribed for the purpose of giving effect to this Act, not being matters for and with respect to which by-laws may be made.

**Schedule**

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**Schedule**

[Section 5.]

- (a) To establish and maintain within the State of Western Australia a public educational institution the purpose of which is to educate members of the public and to awaken, stimulate, encourage and maintain the interest of members of the public in, and to promote public knowledge of, places and things which are of national or local importance by reason of educational, historic, architectural, traditional, legendary, artistic, literary, scientific, antiquarian, archaeological or other special interest attaching to them and of places of natural beauty and the flora and fauna thereof by giving effect to all or any of the objects and purposes hereinafter set out.
- (b) To provide for the holding of classes, lectures, seminars, exhibitions, meetings and conferences calculated directly or indirectly to advance the cause of education of members of the public and imparting knowledge of history of places and things of national or local importance as aforesaid and to that end to co-operate with the Department of Education of the State of Western Australia, the University of Western Australia, the Director of Adult Education of the State and any other public educational institution.
- (c) To print, publish, sell, distribute and circulate books, advertisements and publications of any and every kind as are calculated to promote and advance the objects and purposes of The Trust.
- (d) To compile and preserve suitable records of buildings, places and things, of national or local historic interest or which traditionally are held or believed to be identified with the arts, crafts, history, legends and mythology of early inhabitants and pioneers of the State of Western Australia or the Commonwealth of Australia.
- (e) To employ and remunerate a director or directors of studies, teachers, lecturers, tutors, research workers and students, secretaries and other employees and persons as may be necessary for the purposes of carrying out and giving effect to the objects and purposes of The Trust.
- (f) To establish and maintain a library or libraries, both reference and circulating.

- (g) To offer, give or contribute toward any scholarship, prize, medal or reward for any research, literary contribution, article, essay or effort connected with the objects of The Trust.
- (h) To make grants to persons approved by The Trust to assist them to make studies, research or investigations approved by The Trust.
- (i) To co-operate with any other institution or society having objects similar to the objects of The Trust.
- (j) To acquire by purchase, lease or otherwise, any land, building, places and things of national or local importance as aforesaid for the purpose of maintaining, protecting and preserving them for the benefit of the public.
- (k) To awaken, encourage and stimulate appreciation, enjoyment and respect by members of the public for places and things of national or local importance as aforesaid.
- (l) To take such steps as may be necessary or desirable to manage and preserve any buildings, places or things of national or local importance as aforesaid from time to time owned by or under the control of The Trust.
- (m) To acquire or accept the gift, devise or bequest of, or the control for the time being of, or on loan or lease any building, place, land, relic, chattel or other things considered to be of national or local importance as aforesaid and if any such gift, devise or bequest or control or loan or lease be subject to any trust or condition to give effect to such trust or condition.
- (n) To take such steps as from time to time may be deemed expedient for the purpose of procuring grants, subscriptions and contributions to the funds of The Trust.
- (o) To accept for the promotion, attainment, maintenance and advancement of the objects and purposes herein set out gifts, bequests and legacies of moneys and other valuable assets and property.
- (p) To entrust any land, building, relic, chattel or other things for safe custody and control to any other Local Government, Public, National or other Gallery, museum, association, society or body of persons whether incorporated or not upon such terms and conditions as The Trust thinks fit with power at any time to require the return thereof to The Trust.

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- (q) To enter into agreements with Local Governments, corporations, societies and individuals for the management, maintenance and preservation of any places or things of national or local importance as aforesaid.
- (r) To maintain and manage, either alone or jointly with any Local Government or other authority or body of persons (corporate or unincorporate), any building or place or things of national or local importance as aforesaid.
- (s) To cause such steps to be taken as in the opinion of The Trust are necessary to make places and things of national or local importance as aforesaid readily accessible to the public under proper conditions.
- (t) To charge such fees for admission to lands and buildings vested in it or under its control as The Trust thinks fit.
- (u) To expend any money and generally take any action for any purpose that in its opinion is necessary for the exercise of or ancillary to any of the objects, purposes and functions of The Trust.
- (v) To give and enter into any guarantee in relation to the payment of any moneys and to give and enter into any form of indemnity.
- (w) To acquire by purchase, exchange, gift, devise, bequest, lease, hire or otherwise any real or personal property in furtherance of the objects and purposes of The Trust.
- (x) To sell, lease, exchange or otherwise dispose of any real or personal property of The Trust.
- (y) To apply to have any land of The Trust brought under the provisions of the *Transfer of Land Act 1893*, as amended from time to time, or of any statutory re-enactments thereof.
- (z) To construct, build, repair, maintain and alter any buildings.
- (aa) To invest the moneys of The Trust not immediately required in such manner as may from time to time be deemed expedient.
- (ab) To borrow or raise money and secure the repayment thereof on such terms and at such rate of interest and otherwise as the Council of The Trust from time to time shall think fit and in particular by mortgage or other similar charge on or security over any property real or personal of The Trust.



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**Schedule**

- (ac) to make gifts and to give and make over moneys and other property of The Trust with or without consideration where the making thereof is calculated to promote the objects and purposes of The Trust.
- (ad) To place any moneys of The Trust on deposit with any bank and to open and pay moneys of The Trust into and operate upon accounts current with any bank.
- (ae) To promote legislation likely to further and advance the objects and purposes of The Trust and to apply for and accept the grant of a Royal Charter for The Trust.
- (af) To do such other acts and things within the State of Western Australia as are incidental or conducive to the attainment of the above objects and purposes or any of them.

*[Schedule amended by No. 14 of 1996 s. 4.]*

## Notes

- <sup>1</sup> This is a compilation of the *National Trust of Australia (W.A.) Act 1964* and includes the amendments made by the other written laws referred to in the following table <sup>1a</sup>. The table also contains information about any previous reprint.

### Compilation table

Short title	Number and year	Assent	Commencement
<i>National Trust of Australia (W.A.) Act 1964</i>	85 of 1964	14 Dec 1964	1 Feb 1965 (see s. 2 and <i>Gazette</i> 29 Jan 1965 p. 357)
<i>National Trust of Australia (W.A.) Amendment Act 1970</i>	70 of 1970	17 Nov 1970	17 Nov 1970
<b>Reprint of the <i>National Trust of Australia (W.A.) Act 1964</i> approved 30 Apr 1982</b> (includes amendments listed above)			
<i>Acts Amendment (Financial Administration and Audit) Amendment Act 1985 s. 3</i>	98 of 1985	4 Dec 1985	1 Jul 1986 (see s. 2 and <i>Gazette</i> 30 Jun 1986 p. 2255)
<i>Acts Amendment (Public Service) Act 1987 s. 32</i>	113 of 1987	31 Dec 1987	16 Mar 1988 (see s. 2 and <i>Gazette</i> 16 Mar 1988 p. 813)
<i>Local Government (Consequential Amendments) Act 1996 s. 4</i>	14 of 1996	28 Jun 1996	1 Jul 1996 (see s. 2)
<i>Trustees Amendment Act 1997 s. 18</i>	1 of 1997	6 May 1997	16 Jun 1997 (see s. 2 and <i>Gazette</i> 10 Jun 1997 p. 2661)
<b>Reprint of the <i>National Trust of Australia (W.A.) Act 1964</i> as at 16 Aug 2002</b> (includes amendments listed above)			
<i>Local Government Amendment Act 2004 s. 13</i>	49 of 2004	12 Nov 2004	1 Apr 2005 (see s. 2 and <i>Gazette</i> 31 Mar 2005 p. 1029)
<i>Criminal Procedure and Appeals (Consequential and Other Provisions) Act 2004 s. 80</i>	84 of 2004	16 Dec 2004	2 May 2005 (see s. 2 and <i>Gazette</i> 31 Dec 2004 p. 7129 (correction in <i>Gazette</i> 7 Jan 2005 p. 53))
<i>Financial Legislation Amendment and Repeal Act 2006 s. 17</i>	77 of 2006	21 Dec 2006	1 Feb 2007 (see s. 2 and <i>Gazette</i> 19 Jan 2007 p. 137)

<sup>1a</sup> [On the date as at which this compilation was prepared, provisions referred to in the following table had not come into operation and were therefore not included in this compilation. For the text of the provisions see the endnotes referred to in the table.](#)

### Provisions that have not come into operation

<u>Short title</u>	<u>Number and year</u>	<u>Assent</u>	<u>Commencement</u>
<u>Duties Legislation Amendment Act 2008 s. 52</u> <sup>6</sup>	<u>12 of 2008</u>	<u>14 Apr 2008</u>	<u>1 Jul 2008 (see s. 2(d))</u>

<sup>2</sup> Repealed by the *Associations Incorporation Act 1987*.

<sup>3</sup> Under the *Public Sector Management Act 1994* s. 112(1), a reference to the *Public Service Act 1978* is to be read as a reference to the *Public Sector Management Act 1994*. The reference was changed under the *Reprints Act 1984* s. 7(3)(g).

<sup>4</sup> The Western Australian Tourist Development Authority ceased to exist when the *Tourist Act 1959* was repealed by the *Tourist Act 1973*.

<sup>5</sup> Footnote no longer applicable.

<sup>6</sup> On the date as at which this compilation was prepared, the *Duties Legislation Amendment Act 2008* s. 52, which gives effect to Sch. 1 cl.24, had not come into operation. It reads as follows:

“  
—

#### 52. Various Acts amended

Schedule 1 sets out how various Acts listed in that Schedule are to be amended.

”  
—

Schedule 1 cl. 24 reads as follows:

“  
—

### Schedule 1 — Amendments to various Acts

[s. 52]

#### 24. National Trust of Australia (W.A.) Act 1964

Section 17(3) is amended by deleting “stamp duty chargeable under the *Stamp Act 1921*.” and inserting instead —

“ duty chargeable under the *Duties Act 2008*. ”.

”  
—