

EAST PERTH PUBLIC HALL.

21° GEO. V., No. XXXII.

No. 32 of 1930.

AN ACT to vest Reserve 20430 (Perth Lot 019) in Trustees and for purposes incidental thereto.

[Assented to 24th December, 1930.]

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

1. This Act may be cited as the *East Perth Public Hall Act, 1930.* Short title.

2. In this Act, subject to the context—

Interpretation.

“The Association” means the East Perth Progress Association Incorporated.

“The Lord Mayor” means the Lord Mayor of the City of Perth for the time being.

“Minister” means the Minister for Lands.

“The reserve” means reserve 20430 (Perth lot 019) and the buildings and improvements erected and partially erected thereon.

“The trustees” means the trustees for the time being appointed under this Act.

3. The Order in Council made under section forty-two of the Land Act, 1898, and published in the *Government Gazette* on the twenty-fourth day of April, one thousand nine hundred and thirty, vesting the reserve in the persons named in such Order in Council, is hereby revoked:

Revocation of
Order in Council.

Provided that any and every deed, contract, agreement, act, matter, or thing lawfully executed or done under the authority of the said Order in Council in relation to the reserve by the persons in whom the reserve was vested as aforesaid shall remain in full force and effect, and shall enure for or against the trustees appointed under this Act.

Appointment of
trustees.
Trustees a body
corporate.

4. (1.) For the purposes of this Act there shall be five trustees, who shall be a body corporate under the name of The Trustees of the East Perth Public Hall, with perpetual succession and a common seal, and shall have power to hold real and personal property, and to sue and be sued.

(2.) The trustees shall be appointed by the Governor, and shall consist of two persons nominated by the Lord Mayor, two persons nominated by the Association, and one person selected by the Governor.

(3.) The trustees shall hold office during the Governor's pleasure; but any trustee may resign from his office at any time by writing under his hand addressed to the Governor and sent to the Minister.

(4.) Forthwith after the commencement of this Act, and thereafter as and whenever required by the Minister, the Lord Mayor and the Association shall each nominate and send to the Minister the names of four persons for appointment as trustees. The Governor, on the recommendation of the Minister, may reject all or any of such nominations, and in such case the Lord Mayor or the Association whose nominations are rejected shall nominate other persons in place of those rejected.

(5.) If at any time the Lord Mayor or the Association shall, for a period of one month after service of a request in writing from the Minister, fail or neglect to make nominations as provided by subsection four hereof, the Governor may forthwith, on the recommendation of the Minister, appoint any person as trustee as the nominee of the Lord Mayor or the Association, as the case may be.

(6.) For the appointment of the first trustees under this Act the Governor shall, on the recommendation of the Minister, out of the nominations approved by him, select and appoint as trustees two of the persons nominated by the Lord Mayor and two of the persons nominated by the Association, and simultaneously select and appoint as the nominee of the Governor one other person as the fifth trustee.

(7.) If any vacancy through any cause shall occur in the office of any trustee nominated by the Lord Mayor or the Association, the Minister shall, as soon as reasonably possible, give notice of such vacancy to the party who nominated the trustee whose office has become vacant. Upon receipt of such notice the Lord Mayor or the Association, as the case may require, shall, in accordance with subsection four hereof, make nominations of persons for appointment to such vacancy; and the Governor shall, on the recommendation of the Minister, out of such nominations as are approved by him appoint a person as trustee to fill such vacancy.

(8.) If any vacancy through any cause shall occur in the office of the trustee selected by the Governor as his nominee, the Governor shall forthwith, on the recommendation of the Minister, select and appoint another person to fill such vacancy.

(9.) The certificate of the Minister shall be conclusive evidence of the names of the trustees for the time being appointed and of the due appointment of such trustees.

5. The trustees shall be entitled to be reimbursed out of the funds of the trustees in respect of all proper expenses incurred by them as such trustees, but no trustee shall be entitled to or accept any remuneration or reward for his services as such trustee.

Reimbursement of expenses of trustees.

6. In relation to meetings of the trustees, the following conditions shall apply and be observed:—

Meetings of trustees.

- (a) The trustee appointed as the nominee of the Governor shall be chairman. In the absence of such trustee from any meeting, the other trustees present shall elect one of their number to be the chairman for that meeting;
- (b) Three trustees shall form a quorum;
- (c) The chairman shall have both a deliberative and a casting vote;
- (d) Subject as hereinafter provided, the decision of a majority of the trustees present at a meeting shall be deemed to be the decision of the trustees:

Provided that any resolution relating to the exercise by the trustees of any of the powers conferred by section ten of this Act shall not be of any effect unless such resolution is carried by a majority of all the trustees.

Officers and
servants.

7. The trustees may appoint and dismiss and pay out of the funds of the trustees a secretary, and such other officers and servants as the trustees may deem necessary for the proper administration of the trust.

Trustees may
make by-laws.

8. (1.) The trustees may make by-laws for all or any of the following purposes:—

- (a) The general conduct of their business and proceedings;
- (b) The control, supervision, and guidance of their officers and servants;
- (c) Regulating the use, letting, and occupation of the reserve;
- (d) Regulating the conduct of persons using the reserve or resorting thereto or entering therein;
- (e) Preventing and suppressing nuisances, and enforcing cleanliness in the reserve;
- (f) Generally for the proper administration of the trust.

(2.) Such by-laws shall be subject to the approval of and confirmation by the Governor.

(3.) The trustees may by such by-laws fix a maximum penalty for every offence against such by-laws, or any of them, not exceeding fifty pounds.

(4.) If there shall be any inconsistency between any by-law made by the trustees under this Act and any by-law made under the Municipal Corporations Act, 1906, or any regulation made under the Health Act, 1911-1919, such last-mentioned by-law or regulation shall prevail, and the by-law made by the trustees under this Act shall, to the extent of the inconsistency, become or be invalid.

Reserve vested
in the trustees.

9. (1.) The reserve is hereby vested in the trustees in their corporate name for an estate in fee simple, upon and subject to the following trusts:—

- (a) As to that part of the reserve other than those portions of the building constructed for use as shops, in trust for the purpose of a public hall and public entertainment;
- (b) As to those portions of the building constructed for use as shops, in trust for the purpose of shops or for the purpose of a public hall and public entertainment, as the trustees may from time to time determine.

(2.) On the application in writing under the common seal of the trustees, the Registrar of Titles shall register the trustees by their corporate name as the proprietor in fee simple in possession of the reserve hereby vested in the trustees, and issue a certificate of title accordingly.

10. (1.) The trustees shall be deemed to have the powers of an institution within the meaning of the Public Institutions and Friendly Societies Lands Improvement Act, 1892, and may exercise in respect of the reserve such powers as are thereby given to institutions:

Powers of trustees
in respect of
reserve.

Provided that the portions of the Act requiring the concurrence of three-fourths of the members of an institution shall, for the purposes of this Act, be deemed to be eliminated, and the provisions of the proviso to paragraph (d) of section six of this Act shall apply in lieu thereof.

(2.) The trustees shall also, with the consent of the Governor, have power to sell, lease or exchange the reserve or any portion thereof free and absolutely discharged from the trusts declared by this Act, and to pay or receive money by way of equality of exchange, but the proceeds of any such sale and the land or money obtained by any such exchange shall be held subject to the like trusts so far as may be as the reserve or portion of the reserve so disposed of.

(3.) No power conferred by this section shall be exercised without the consent of the Governor.

11. The common seal of the trustees shall not be affixed to any instrument except by a majority of the trustees, and the trustees so affixing such common seal shall countersign every such instrument.

Affixing the
seal.

12. All the rents, profits, and other revenue of the trustees—

Funds of the
trustees.

(a) shall be paid to the credit of an account in the corporate name of the trustees at a bank to be approved by the Minister; and

(b) shall be chargeable with the expenses of the trustees as hereinbefore provided, the salaries and wages, debts and liabilities and other outgoings of the trustees in relation to the reserve and the management and control thereof, and with all other expenditure lawfully incurred by the trustees in the

maintenance, management, control and care of the said reserve, and in the exercise of its powers under this Act.

Accounts, annual report, and financial statement.

13. The trustees shall present to the Minister annually a financial statement certified by an auditor approved by the Minister, and a report of their proceedings and operations during the year.

Trustees liable for past debts incurred in relation to the reserve.

14. (1.) The trustees shall be liable for the payment of any debts and liabilities outstanding and unpaid at the commencement of this Act and previously incurred by the persons in whom, at any time prior to the commencement of this Act, the reserve was from time to time vested, in connection with the improvement of the reserve and the erection of the buildings now standing on the reserve.

(2.) The trustees may, with the consent of the Governor, mortgage the reserve as security for the payment of the said debts and liabilities, or any of them, or may borrow money on mortgage of the said reserve for the purpose of discharging the said debts and liabilities; and in either case the power conferred by this subsection shall be a power exercisable by the trustees under and in accordance with section ten of this Act.

No trustee to incur personal liability.

15. No Trustee shall be liable as such to any creditor of the trustees beyond the property of the trustees in his hands.