

WESTERN AUSTRALIA

**PUBLIC EDUCATION ENDOWMENT  
ACT 1909**

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ARRANGEMENT

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- Sec.
1. Short title
  - 1A. Interpretation
  2. Power to appoint trustees
  3. Trustees to be a body corporate
  4. Endowment
  5. Property to be held in trust for public education
  6. Powers of trustees
  7. Power to lease and, with the approval of the Governor, to mortgage or exchange lands
  8. Power to dispose of land acquired by gift, etc.
  9. Investment and application of rents and profits
  - 9A. Power to sell and apply money held
  10. Exemption of trust property from taxation
  11. Meetings
  12. Officers
  13. Remuneration of trustees
  14. Application of *Financial Administration and Audit Act 1985*
  15. Act not to affect *University Endowment Act 1904*

NOTES



WESTERN AUSTRALIA

# PUBLIC EDUCATION ENDOWMENT ACT 1909

AN ACT for the Endowment of Public Education.

## Short title

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

## Intpretation

1A. In this Act unless the contrary intention appears—

“purposes of public education” includes the provision of residential or other accommodation for teachers or trainee teachers in any Government School, as defined in section 3 of the *Education Act 1928*.

[*Section 1A inserted by No. 3 of 1970 s. 2.*]

## Power to appoint trustees

2. (1) The Governor may appoint the Minister of Education, the Director General of Education 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.

(2) The trustees other than the Minister of Education and the Director General of Education 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.]*

### **Trustees to be a body corporate**

3. The trustees so appointed shall be a body corporate by the name of the "Trustees of the 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.

### **Endowment**

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

### **Property to be held in trust for public education.**

5. 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.

### **Powers of trustees**

6. 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 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.

### **Power to lease and, with the approval of the Governor, to mortgage or exchange lands**

7. 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.]*

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

8. 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.

**Investment and application of rents and profits**

9. 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 in such securities as trustees are authorized by law to invest trust funds in their hands, 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.

**Power to sell and apply money held**

9A. 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*<sup>1</sup> 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*<sup>1</sup>, 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.]

**Exemption of trust property from taxation**

10. 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.

**Meetings**

11. 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.

**Officers**

12. 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.

**Remuneration of trustees**

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

**Application of the *Financial Administration and Audit Act 1985***

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

[Section 14 substituted by No. 98 of 1985 s. 4.]

**Act not to affect *University Endowment Act 1904***

15. This Act shall not affect the provisions of the *University Endowment Act 1904*.

## NOTES

<sup>1</sup> This reprint is a compilation as at 29 December 1987 of the *Public Education Endowment Act 1909* and includes all amendments effected by the other Acts referred to in the following Table.

## Table of Acts

Act	Number and Year	Assent	Commencement	Miscellaneous
<i>Public Education Endowment Act 1909</i>	32 of 1909	4 December 1909	4 December 1909	
<i>Public Education Endowment Amendment Act 1925</i>	7 of 1925	24 September 1925	24 September 1925	
<i>Ministers' Titles Act 1925</i>	8 of 1925	24 September 1925	24 September 1925	
<i>Public Education Endowment Act Amendment Act 1970</i>	3 of 1970	29 April 1970	29 April 1970	
<i>Acts Amendment (Statutory Designations) and Validation Act 1981</i>	63 of 1981	13 October 1981	13 October 1981	Section 5 validation
<i>Acts Amendment (Financial Administration and Audit) Act 1985</i> (as amended by Act No. 4 of 1986)	98 of 1985	4 December 1985	1 July 1986 (see section 2)	Section 4 savings and transitional

N.B. The *Public Education Endowment Act 1909* is affected by the *Financial Administration and Audit Act 1985*.

<sup>2</sup> Marginal notes in the *Public Education Endowment Act 1909* referring to Act No. 6 of 1904 have been omitted from this reprint.

