



Western Australia

## **Perth Theatre Trust Act 1979**

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## Perth Theatre Trust Act 1979

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Western Australia

## **Perth Theatre Trust Act 1979**

**An Act to establish and constitute the Perth Theatre Trust, to provide for the management and operation of theatres vested in or leased to it or under its control and for matters incidental thereto or connected therewith.**

## Part I — Preliminary

### 1. Short title

This Act may be cited as the *Perth Theatre Trust Act 1979*<sup>1</sup>.

### 2. Commencement

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

### 3. Terms used

(1) In this Act, unless the context otherwise indicates —

*chairman* means trustee appointed to be chairman of the Trust under section 5(2);

*committee* means committee appointed under section 11(1);

*Council* means the Council of the City of Perth;

*Council trustee* means trustee referred to in section 5(1)(b);

*ex officio trustee* means trustee referred to in section 5(1)(c);

*financial year* means year ending on 30 June;

*general manager* means person appointed to be the general manager of the Trust under section 17(1);

*Ministerial trustee* means trustee referred to in section 5(1)(a);

*theatre* includes concert hall and opera house and such other building or structure as may be declared under subsection (2) to be a theatre for the purposes of this Act;

*Trust* means Perth Theatre Trust established by section 4(1);

*trustee* means Council trustee, *ex officio* trustee or Ministerial trustee.

(2) The Minister may from time to time declare by notice published in the *Government Gazette* any building or structure constructed or adapted or to be constructed or adapted and used or to be

used for the public presentation of one or more of the performing arts to be a theatre for the purposes of this Act.

*[Section 3 amended by No. 59 of 1981 s. 2; No. 75 of 1987 s. 30.]*

**3A. Transitional provisions relating to general manager**

Notwithstanding anything in the *Perth Theatre Trust Amendment Act 1981* —

- (a) the person who was, immediately before the date of coming into operation of that Act<sup>1</sup>, the manager within the meaning of this Act before its amendment by that Act shall be deemed to have been appointed the general manager of the Trust under section 17(1), as amended by that Act, on that date; and
- (b) a reference to the general manager in this Act shall, in relation to the period commencing on the date of coming into operation of this Act and ending immediately before the date of coming into operation of the *Perth Theatre Trust Amendment Act 1981*<sup>1</sup>, be construed as a reference to the manager within the meaning of this Act before its amendment by that Act.

*[Section 3A inserted by No. 59 of 1981 s. 3.]*

## **Part II — Establishment, composition and proceedings of Trust**

### **4. Establishment of Trust**

- (1) There is hereby established a body corporate under the name of the Perth Theatre Trust.
- (2) Under its corporate name, the Trust —
  - (a) has perpetual succession and a common seal; and
  - (b) may sue and be sued in any court; and
  - (c) has the powers, functions, authorities and duties conferred or imposed by or under this Act; and
  - (d) subject to this Act, is capable of doing and suffering all that bodies corporate may do and suffer.

### **5. Composition of Trust**

- (1) The Trust shall consist of 8 trustees of whom —
  - (a) 4 shall be persons nominated by the Minister and appointed by the Governor; and
  - (b) 3 shall be persons nominated by the Council from amongst the members or officers of the Council and appointed by the Governor; and
  - (c) one shall be the chief executive officer<sup>2</sup> of the department for the Arts or his nominee.
- (2) The Governor shall appoint one of the trustees referred to in subsection (1)(a) or (b) to be chairman of the Trust.
- (3) If the Minister has given the Council notice in writing requiring the Council within the period specified in that notice, being a period of not less than 6 weeks from the date of giving of that notice, to nominate one or more persons from amongst the members or officers of the Council for appointment as a trustee or trustees under subsection (1)(b) and the Council fails to nominate that person or those persons within that specified period, the Governor may, on the recommendation of the



Minister, appoint a person or persons as a trustee or trustees in place of the person or persons in respect of whom the failure to nominate occurred and the person or persons so appointed shall be deemed for all purposes to have been nominated by the Council under that subsection.

- (4) Subject to this Act, a Ministerial trustee or a Council trustee shall hold office for such period not exceeding 3 years as is specified in the instrument of his appointment.
- (5) When a Ministerial trustee or a Council trustee ceases for any reason to hold office before the expiry of the period of office specified in the instrument of his appointment, the Governor shall —
  - (a) if the former trustee to be replaced was a Ministerial trustee, appoint in his stead a trustee on the nomination of the Minister; or
  - (b) if the former trustee to be replaced was a Council trustee, appoint in his stead a trustee on the nomination of the Council from amongst the members or officers of the Council,

to hold office, subject to this Act, for the unexpired portion of the period of office of that former trustee.

- (6) The provisions of subsection (3) apply, with necessary modifications, to the appointment under subsection (5) of a trustee to replace a former trustee who was a Council trustee.
- (7) A Ministerial trustee or a Council trustee is, on the expiry of his period of office, eligible for renomination and reappointment.

*[Section 5 amended by No. 75 of 1987 s. 31.]*

## **6. Casual vacancies**

- (1) A Ministerial trustee or Council trustee shall cease to hold office and his office shall become vacant if —
  - (a) he dies; or

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- (b) he resigns his office by writing under his hand addressed to the Minister; or
  - (c) he is removed from office under section 7; or
  - (d) he is absent without leave of the Minister from 3 consecutive meetings of the Trust of which he has had notice; or
  - [(e) deleted]*
  - (f) he is, according to the *Interpretation Act 1984* section 13D, a bankrupt or a person whose affairs are under insolvency laws; or
  - (g) he is convicted of an indictable offence or of any other offence which, in the opinion of the Minister notified to him in writing, is of so serious a nature as to render him unsuitable to remain in office as a trustee.
- (2) A Council trustee shall cease to hold office and his office shall become vacant if he ceases to be a member or officer, as the case may be, of the Council.

*[Section 6 amended by No. 75 of 1987 s. 32; No. 18 of 2009 s. 65; No. 25 of 2014 s. 77.]*

**7. Removal of trustee from office**

The Governor may, by notice in writing served on a Ministerial trustee or Council trustee, remove the Ministerial trustee or Council trustee from office for inability, inefficiency or misbehaviour.

*[Section 7 amended by No. 76 of 1987 s. 33.]*

**8. Common seal, meetings and quorum**

- (1) A person shall not affix the common seal of the Trust to any document except in pursuance of a resolution of the Trust.
- (2) Any document executed in pursuance of a resolution of the Trust shall be attested by the signature of any 2 trustees.

- (3) When a document purporting to bear the common seal of the Trust is produced before any court, judge or person acting judicially, that court, judge or person shall, unless the contrary is proved, presume that —
  - (a) that document bears the common seal of the Trust; and
  - (b) the common seal of the Trust was duly affixed to that document.
- (4) The procedure for the convening of meetings of the Trust and for the conduct of business at those meetings shall, subject to this Act, be as determined by the Trust.
- (5) Any 5 trustees shall constitute a quorum at any meeting of the Trust.
- (6) Any duly convened meeting of the Trust, at which meeting a quorum is present, is competent —
  - (a) to transact any business of the Trust; and
  - (b) to exercise or perform all the powers, functions, authorities and duties conferred or imposed on the Trust by or under this Act.
- (7) Any question arising at a meeting of the Trust shall be determined by a majority of the votes of the trustees present and voting and, when the votes cast on any such question are equally divided, that question shall remain unresolved until a subsequent meeting of the Trust.
- (8) The Trust shall cause accurate minutes to be kept of the proceedings at its meetings.

*[Section 8 amended by No. 75 of 1987 s. 34.]*

## **9. Remuneration and expenses of trustees**

- (1) A trustee shall be entitled to such remuneration and to such travelling and other allowances as are determined in his case by the Minister on the recommendation of the Public Sector Commissioner.

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- (2) Acceptance of or acting in the office of trustee shall not of itself render the provisions of Part 3 of the *Public Sector Management Act 1994*, or any other Act applying to persons as officers of the Public Service applicable to that trustee or affect or prejudice the application to him of those provisions if they applied to him at the time of the acceptance of or acting in that office.

*[Section 9 amended by No. 32 of 1994 s. 19; No. 39 of 2010 s. 90.]*

**10. Delegation**

- (1) The Trust may, with the consent in writing of the Minister and subject to section 11(1), by resolution delegate to any trustee, any committee, the general manager, any officer or servant of the Trust or any other person any of its powers, functions, authorities and duties under this Act, except this power of delegation, but such a delegation does not prevent the exercise or performance by the Trust of any of those powers, functions, authorities or duties.
- (2) The Trust may by resolution revoke a delegation made under subsection (1).

*[Section 10 amended by No. 59 of 1981 s. 6.]*

**11. Committees**

- (1) The Trust may appoint committees to investigate and advise the Trust on any aspect of its functions or to implement any decision of the Trust, but the delegation by the Trust to a committee of any of the powers, functions, authorities and duties of the Trust under this Act does not relieve the Trust of the responsibility for the decisions of the committee.
- (2) A committee may consist of such persons as the Trust determines, whether trustees or persons who are not trustees, but so that in every case the chairman of the committee shall be a trustee.

- (3) The provisions of this Act, except insofar as the Minister may otherwise direct or approve, apply, subject to such modifications as may be necessary, to a committee and to a person appointed to serve on a committee as they apply to the Trust or to a trustee.
- (4) A committee shall report to the Trust on its activities at such times as the Trust directs.

**12. Who presides at meetings**

- (1) The chairman shall preside at all meetings of the Trust at which he is present.
- (2) In the absence of the chairman from any meeting of the Trust, the trustees other than the *ex officio* trustee, present thereat shall, from amongst their own number, elect a trustee to preside at that meeting and at that meeting the trustee so elected shall have and may exercise the powers and functions conferred on the chairman by this section.

*[Section 12 amended by No. 75 of 1987 s. 35.]*

**13. Validity of acts etc. of Trust not affected by vacancy etc.**

An act, proceeding or determination of the Trust shall not be invalid by reason only of any vacancy in the office of any Ministerial Trustee or Council trustee or of any defect in the appointment of any Ministerial Trustee or Council trustee.

*[Section 13 amended by No. 75 of 1987 s. 36.]*

**14. Trustee to declare interest**

- (1) Subject to subsection (5), a trustee who has an interest in a matter which is to be considered or discussed or voted upon at a meeting of the Trust shall disclose the fact that he has that interest —
  - (a) by notice in writing given to the general manager prior to that meeting; or

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- (b) at that meeting as soon as is practicable after the commencement thereof.
- (2) A trustee who is required by subsection (1) to disclose the fact that he has an interest in a matter shall not act as a trustee in relation to the matter.
- (3) When a trustee discloses under subsection (1) the fact that he has an interest, the general manager shall record in a book to be kept for the purpose particulars of that disclosure.
- (4) A person who contravenes the provisions of subsection (1) or (2) commits an offence unless he did not know, and proves that he did not know —
  - (a) that a matter in which, at the material time, he had an interest was the subject for consideration, discussion or voting; or
  - (b) at the material time, that he had the interest concerned.Penalty: \$500.
- (5) For the purposes of this section —
  - (a) a person shall be regarded as having an interest in a matter if he has a direct or indirect pecuniary interest in that matter;
  - (b) a general notice in writing given by a trustee to all the other trustees to the effect that he is a member of a specified corporation or firm and is to be regarded as interested in any contract which may, after the date of that notice, be made by the Trust with that corporation or firm is a sufficient disclosure for the purposes of this section of the interest of the trustee by whom it is given in any contract made after that date by the Trust with that corporation or firm.

*[Section 14 amended by No. 59 of 1981 s. 6.]*

## **Part III — Powers, functions, authorities and duties of Trust**

### **15. Trust subject to general direction and control of Minister**

In the exercise and performance of its powers, functions, authorities and duties the Trust shall, except when the Trust makes or gives or is required to make or give a recommendation or advice to the Minister, be subject to the general direction and control of the Minister.

### **16. Functions and powers**

- (1) Subject to this Act, the functions of the Trust are —
- (a) encouraging, fostering and promoting the use of all theatres vested in or leased to the Trust or over which it has control (in this subsection called *Trust theatres*); and
  - (b) without limiting the generality of paragraph (a), the care, control, management, maintenance, operation and improvement of Trust theatres and the doing of all things necessary for and incidental and ancillary to that care, control, management, maintenance, operation and improvement; and
  - (c) advising the Minister on the making of contracts for the management of Trust theatres; and
  - (d) recommending to the Minister policies for the letting and operation of Trust theatres and of the facilities and spaces related thereto; and
  - (e) advising the Minister on the terms and conditions under which the theatres, facilities and spaces referred to in paragraph (d) are to be let to users thereof; and
  - (f) holding all real and personal property vested in it; and
  - (g) coordinating all activities taking place in each of the Trust theatres.

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- (2) The Trust may in the performance of the functions referred to in subsection (1) —
- (a) subject to this Act, acquire, hold and dispose of any real or personal property and, with the approval of the Minister, sell, alienate, mortgage, charge or demise any real or personal property so held;
  - (b) without limiting the generality of paragraph (a) and with the approval of the Minister, lease any theatre to or from any person;
  - (c) with the approval of the Minister, enter into a contract with any person to manage any theatre vested in or leased to the Trust or over which it has control;
  - (d) do anything —
    - (i) which is required or authorised by or under this Act to be done by the Trust; or
    - (ii) which is necessary or convenient to be done by the Trust for the purpose of exercising or performing its powers, functions, authorities or duties under this Act.

**17. General manager etc., appointment of etc.**

- (1) For the purposes of this Act, the Trust may, with the approval of the Minister, appoint —
- (a) a person to be the general manager of the Trust; and
  - (b) such persons to be officers or servants of the Trust, in addition to the general manager of the Trust, as the Trust thinks necessary for the efficient performance of the functions of the Trust.
- (2) The general manager is the chief executive officer of the Trust and shall have and may exercise or perform such powers, functions, authorities or duties as are conferred or imposed on him by or under this Act or as are directed by the Trust to be exercised or performed by him.



- (3) The terms and conditions of service of the general manager and of the officers or servants of the Trust shall be as determined by the Public Sector Commissioner, subject, in the case of the officers or servants, to any relevant award, order or industrial agreement under the *Industrial Relations Act 1979*.
- (4) When the general manager or an officer or servant of the Trust, immediately prior to his appointment as such, occupied an office under Part 3 of the *Public Sector Management Act 1994*, he shall —
- (a) if he resigns his office or employment or if his term of office or employment expires by effluxion of time and he is not reappointed, be entitled to be appointed to an office under that Act not lower in status than the office which he occupied immediately prior to his appointment as the general manager or an officer or servant of the Trust; and
  - (b) continue to retain his existing and accruing rights, including his rights under the Superannuation Act, as if his service as the general manager or as an officer or servant of the Trust were service as an officer under Part 3 of the *Public Sector Management Act 1994*.
- (5) The Trust is deemed to be a department for the purposes of the Superannuation Act.

[(6), (7) deleted]

- (7a) Notwithstanding anything in this section, to the extent that there is in the case of a person who is appointed under subsection (1) to be the general manager of the Trust or an officer or servant of the Trust and who is a member of the Senior Executive Service within the meaning of the *Public Sector Management Act 1994*<sup>4</sup> an inconsistency between this Act and that Act that Act shall prevail.

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- (8) In this section —

***Superannuation Act*** means the *Superannuation and Family Benefits Act 1938*<sup>5</sup>.

*[Section 17 amended by No. 59 of 1981 s. 4, 5 and 6; No. 113 of 1987 s. 32; No. 6 of 1993 s. 11; No. 32 of 1994 s. 19; No. 60 of 1994 s. 12; No. 42 of 1997 s. 8; No. 8 of 2009 s. 99(2); No. 39 of 2010 s. 90.]*

**17A. Employment of casual or temporary staff**

- (1) The Trust may employ such casual or temporary staff as may be necessary for the purposes of a theatre vested in or leased to the Trust or over which it has control.
- (2) Subject to any relevant award, order or industrial agreement under the *Industrial Relations Act 1979*, the terms and conditions of employment of casual or temporary staff employed under subsection (1) are such terms and conditions as the Trust determines.
- (3) The Trust may by agreement with a person using a theatre referred to in subsection (1) for the public presentation of any of the performing arts recover from that person the whole or part of the cost of employing casual or temporary staff for the purposes of that theatre whilst it is so used by that person.
- (4) Notwithstanding anything in this section, the appointment and dismissal of casual or temporary staff employed under subsection (1) is in the sole power of the Trust.

*[Section 17A inserted by No. 59 of 1981 s. 5; amended by No. 8 of 2009 s. 99(3).]*

**18. Trust may use services of public servants**

The Trust may —

- (a) with the approval of the Minister and the consent of the Minister controlling the department of the Public

Service concerned (in this section called the *department*); and

- (b) on such terms as may be mutually arranged with the department,

make use of the services of any of the officers or employees of the department.

**19. Trust may agree to lease, manage etc. theatre of Council**

- (1) Notwithstanding anything in this Act, the Trust may enter into an arrangement with the Council upon such terms and conditions as are approved by the Minister —
  - (a) to lease from the Council any theatre vested in or leased to the Council; and
  - (b) to care for, control, manage, maintain, operate and improve a theatre referred to in paragraph (a),

for such period as is specified in that arrangement.

- (2) An arrangement entered into under subsection (1) may provide for the employment by the Trust of all or any of the staff employed by the Council in the management and operation of the theatre concerned and otherwise in connection therewith, for the terms and conditions of service of that staff when employed by the Trust, for future capital expenditure on or in connection with that theatre, for the contribution by the Council of funds to be used for or in connection with the operations or activities of the Trust, for the supply by the Council of information necessary or desirable for the care, control, management, maintenance, operation and improvement of that theatre and for any other matter necessary or desirable for the effective implementation of that arrangement.
- (3) The Trust may exercise or perform such powers, functions, authorities and duties as may be necessary or convenient for implementing an arrangement entered into under subsection (1).

## **Part IV — Financial provisions**

**20. Certain property of Trust exempt from rates, taxes and duty**

- (1) A rate or tax shall not be made, charged or levied by or under any law of the State on or in respect of any real property leased to or vested in the Trust, unless that property is leased to, or occupied by, some other person for a purpose which is not directly related to the performance by the Trust of any of its functions under this Act.
- (2) 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 the purposes of this Act or agreed to be so assured or vested is exempt from any duty chargeable under the *Duties Act 2008*.

*[Section 20 amended by No. 12 of 2008 Sch. 1 cl. 28.]*

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

- (1) 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.
- (2) The Trust shall not, without the consent of the Minister, incur any expenditure which exceeds the estimates of expenditure approved by the Minister under the *Financial Management Act 2006*.

*[Section 21 inserted by No. 98 of 1985 s. 3; amended by No. 77 of 2006 Sch. 1 cl. 125(1) and (2).]*

*[22. Deleted by No. 98 of 1985 s. 3]*

**23. Funds of Trust**

- (1) The funds of the Trust comprise —
  - (a) all moneys received by the Trust out of moneys appropriated by Parliament for the purposes of this Act; and
  - (b) all moneys which may be contributed to the Trust or which may otherwise be lawfully payable to the Trust; and
  - (c) all moneys received by the Trust by way of fees, rent and otherwise in respect of any land vested in, leased to or under the control of the Trust; and
  - (d) all moneys received by the Trust by way of charges and fees made under this Act; and
  - (e) all moneys received by the Trust by way of gift or from the sale or other disposal of any property, real or personal, of the Trust; and
  - (f) all moneys received by the Trust under an arrangement entered into under section 19; and
  - (g) the proceeds of investment of any moneys standing to the credit of the Account.
- (2) An agency special purpose account called the Perth Theatre Trust Account is established under section 16 of the *Financial Management Act 2006* to which the funds referred to in subsection (1) are to be credited.
- (3) All expenditure incurred by the Trust for the purposes of this Act shall be charged to the Account.
- (4) Subject to the terms of any trust or endowment, the Trust may —
  - (a) invest any moneys standing to the credit of the Account and not immediately required for expenditure by the Trust in investments authorised by law as in force immediately before the coming into operation of the

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*Trustees Amendment Act 1997*<sup>1</sup> for the investment of trust funds; and

- (b) from time to time sell or vary any investments made under this subsection.
- (5) The Trust may retain and hold any investments which 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 (4).
- (6) In subsections (1), (3) and (4) —

**Account** means Perth Theatre Trust Account referred to in subsection (2).

*[Section 23 amended by No. 49 of 1996 s. 64; No. 1 of 1997 s. 18; No. 77 of 2006 Sch. 1 cl. 125(3).]*

**24. Trust may accept gifts**

The Trust may accept any gifts, 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 gifts.

*[25. Deleted by No. 98 of 1985 s. 3.]*

## **Part V — Miscellaneous**

### **26. Regulations**

- (1) The Governor may, on the recommendation of the Trust, make regulations providing for all matters which by this Act are required or permitted to be prescribed or which, in his opinion, are necessary or convenient to be prescribed for carrying out or giving effect to the provisions of this Act.
- (2) Without limiting the generality of subsection (1), regulations made under that subsection may provide for all or any of the matters set out in the Schedule.

**Schedule — Matters in respect of which the Governor may make regulations**

[s. 26]

*[Heading amended by No. 19 of 2010 s. 4.]*

1. The form of the common seal of the Trust and the manner in which it shall be kept and used.
2. The care, control, management, maintenance and improvement of buildings and land controlled by, leased to or vested in the Trust (in this Schedule called *Trust buildings and land*).
3. The securing of decency and order among persons within or on Trust buildings and land.
4. The admission to, and the exclusion or expulsion from, Trust buildings and land of persons.
5. The regulation or prohibition of the taking of intoxicating liquor into or onto, and the consumption thereof in or on, Trust buildings and land.
6. The regulation or prohibition of the taking of animals into or onto Trust buildings and land or permitting or suffering animals to be therein or thereon.
7. The regulation or prohibition of the parking of vehicles in or on Trust buildings and land, the making of charges therefor and the collection and receipt of those charges by the Trust or other persons.
8. The making of charges or entrance fees for persons, clubs or associations using or entering on Trust buildings and land or any specified parts thereof and the collection and receipt of those charges and fees by the Trust or by other persons.
9. The regulation of the affairs, business and management of the Trust.
10. The disposal by the Trust of any unclaimed property left in or on any Trust buildings and land.
11. The imposition of penalties not exceeding \$100 for offences against regulations made under section 26.

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## Notes

- <sup>1</sup> This is a compilation of the *Perth Theatre Trust Act 1979* 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 reprint.

### Compilation table

Short title	Number and year	Assent	Commencement
<i>Perth Theatre Trust Act 1979</i>	79 of 1979	6 Dec 1979	1 Feb 1980 (see s. 2 and <i>Gazette</i> 1 Feb 1980 p. 285)
<i>Perth Theatre Trust Amendment Act 1981</i>	59 of 1981	13 Oct 1981	13 Oct 1981
<i>Acts Amendment (Financial Administration and Audit) 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 (Arts Representation) Act 1987 Pt. IV</i>	75 of 1987	26 Nov 1987	12 Feb 1988 (see s. 2 and <i>Gazette</i> 12 Feb 1988 p. 399)
<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>Financial Administration Legislation Amendment Act 1993 s. 11</i>	6 of 1993	27 Aug 1993	1 Jul 1993 (see s. 2(1))
<i>Acts Amendment (Public Sector Management) Act 1994 s. 19</i>	32 of 1994	29 Jun 1994	1 Oct 1994 (see s. 2 and <i>Gazette</i> 30 Sep 1994 p. 4948)
<i>Local Government (Superannuation) Legislation Amendment Act 1994 s. 12</i>	60 of 1994	7 Nov 1994	24 Dec 1994 (see s. 2 and <i>Gazette</i> 23 Dec 1994 p. 7070)
<i>Financial Legislation Amendment Act 1996 s. 64</i>	49 of 1996	25 Oct 1996	25 Oct 1996 (see s. 2(1))
<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)
<i>Equal Opportunity Amendment Act (No. 3) 1997 s. 8</i>	42 of 1997	9 Dec 1997	6 Jan 1998 (see s. 2(1))
<b>Reprint of the <i>Perth Theatre Trust Act 1979</i> as at 1 Oct 1999</b> (includes amendments listed above)			

<b>Short title</b>	<b>Number and year</b>	<b>Assent</b>	<b>Commencement</b>
<i>Financial Legislation Amendment and Repeal Act 2006</i> Sch. 1 cl. 125	77 of 2006	21 Dec 2006	1 Feb 2007 (see s. 2(1) and <i>Gazette</i> 19 Jan 2007 p. 137)
<i>Duties Legislation Amendment Act 2008</i> Sch. 1 cl. 28	12 of 2008	14 Apr 2008	1 Jul 2008 (see s. 2(d))
<i>Statutes (Repeals and Miscellaneous Amendments) Act 2009</i> s. 99	8 of 2009	21 May 2009	22 May 2009 (see s. 2(b))
<i>Acts Amendment (Bankruptcy) Act 2009</i> s. 65	18 of 2009	16 Sep 2009	17 Sep 2009 (see s. 2(b))
<i>Standardisation of Formatting Act 2010</i> s. 4	19 of 2010	28 Jun 2010	11 Sep 2010 (see s. 2(b) and <i>Gazette</i> 10 Sep 2010 p. 4341)
<i>Public Sector Reform Act 2010</i> s. 90	39 of 2010	1 Oct 2010	1 Dec 2010 (see s. 2(b) and <i>Gazette</i> 5 Nov 2010 p. 5563)
<b>Reprint 2: The Perth Theatre Trust Act 1979 as at 4 Feb 2011</b> (includes amendments listed above)			
<i>Mental Health Legislation Amendment Act 2014</i> Pt. 4 Div. 4 Subdiv. 19	25 of 2014	3 Nov 2014	30 Nov 2015 (see s. 2(b) and <i>Gazette</i> 13 Nov 2015 p. 4632)

<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**

<b>Short title</b>	<b>Number and year</b>	<b>Assent</b>	<b>Commencement</b>
<i>State Superannuation (Transitional and Consequential Provisions) Act 2000</i> s. 57 <sup>6</sup>	43 of 2000	2 Nov 2000	To be proclaimed (see s. 2(2))
<i>Perth Theatre Trust Amendment Act 2015</i> s. 3-5 <sup>8</sup>	7 of 2015	9 Mar 2015	To be proclaimed (see s. 2(b))

- <sup>2</sup> Under the *Acts Amendment (Public Service) Act 1987* s. 31(1)(f) a reference in a written law to “Permanent Head” is, unless the contrary intention appears, to be construed as if it had been amended to be a reference to “chief executive officer”. This reference was amended under the *Reprints Act 1984* s. 7(5)(a).
- <sup>3</sup> Repealed by the *Mental Health (Consequential Provisions) Act 1996*. Now see the *Mental Health Act 1996*.
- <sup>4</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*. This reference was changed under the *Reprints Act 1984* s. 7(3)(g).
- <sup>5</sup> The *Superannuation and Family Benefits Act 1938* was repealed by the *State Superannuation Act 2000* s. 39 but its provisions continue to apply to and in relation to certain schemes because of the *State Superannuation (Transitional and Consequential Provisions) Act 2000* s. 26.
- <sup>6</sup> On the date as at which this compilation was prepared, the *State Superannuation (Transitional and Consequential Provisions) Act 2000* s. 57 had not come into operation. It reads as follows:

**57. Perth Theatre Trust Act 1979 amended**

Section 17 of the *Perth Theatre Trust Act 1979* is amended as follows:

- (a) in subsection (4)(b) by deleting “, including his rights under the Superannuation Act,”;
- (b) by repealing subsections (5) and (8).

- <sup>7</sup> Footnote no longer applicable.
- <sup>8</sup> On the date on which this compilation was prepared, the *Perth Theatre Trust Amendment Act 2015* s. 3-5 had not come into operation. They read as follows:

**3. Act amended**

This Act amends the *Perth Theatre Trust Act 1979*.

**4. Section 16 amended**

- (1) Before section 16(1) insert:
  - (1A) In this section —  
**activity** includes an event, performance or production;

**business arrangement** means a company, a partnership, a trust, a joint venture, an arrangement or agreement for sharing profits or an arrangement or agreement for sponsorship;

**participate** in a business arrangement includes form, promote, establish, enter into, manage, dissolve, wind-up and do anything incidental to the business arrangement;

**promoting**, in relation to an activity, includes attracting, organising, commissioning, funding, investing in, supporting, marketing, advertising and acting as project manager.

- (2) After section 16(1)(a) insert:
- (ba) without limiting the generality of paragraph (a), promoting, or taking part in promoting, activities at Trust theatres; and
- (3) After section 16(2)(c) insert:
- (da) subject to subsection (3), participate in a business arrangement and acquire, hold and dispose of shares, units or other interests in or relating to a business arrangement;
  - (db) cooperate with, and provide funds and other assistance to, other bodies and to individuals;
- (4) After section 16(2) insert:
- (3) The Trust must not exercise a power conferred by subsection (2)(da) in relation to a business arrangement unless the terms and conditions of that business arrangement are terms and conditions approved by the Minister and the Treasurer in respect of—
- (a) that business arrangement; or
  - (b) business arrangements of that class; or
  - (c) business arrangements generally.
- (4) The Treasurer may, by written notice given to the Trust, exempt any business arrangement or class of business arrangement from the operation of subsection (3) either unconditionally or on specified conditions.

- (5) A notice under subsection (4) may be revoked or amended by the Treasurer by written notice given to the Trust.

**5. Section 23 amended**

After section 23(5) insert:

- (6A) Subsections (4) and (5) do not affect the operation of section 16.

## Defined terms

*[This is a list of terms defined and the provisions where they are defined.*

*The list is not part of the law.]*

<b>Defined term</b>	<b>Provision(s)</b>
Account.....	23(6)
chairman .....	3(1)
committee .....	3(1)
Council.....	3(1)
Council trustee .....	3(1)
department .....	18
ex officio trustee .....	3(1)
financial year .....	3(1)
general manager.....	3(1)
Ministerial trustee .....	3(1)
Superannuation Act.....	17(8)
theatre .....	3(1)
Trust.....	3(1)
Trust buildings and land.....	Sch. —
Trust theatres .....	16(1)
trustee.....	3(1)