



Western Australia

Arts and Culture Trust Act 2021

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Defined terms

Western Australia

Arts and Culture Trust Act 2021

An Act —

- **to establish the Arts and Culture Trust; and**
- **to repeal the *Perth Theatre Trust Act 1979* and the *Perth Theatre Trust (Common Seal) Regulations 1980*; and**
- **to make consequential amendments to various Acts; and**
- **for related purposes.**

Part 1 — Preliminary

1. Short title

This is the *Arts and Culture Trust Act 2021*.

2. Commencement

This Act comes into operation as follows —

- (a) Part 1 (other than sections 4 and 5) — on the day on which this Act receives the Royal Assent;
- (b) the rest of the Act — on a day fixed by proclamation.

3. Terms used

In this Act —

activity includes an event, performance, exhibition, demonstration, lecture, screening and production activity;

Arts and Culture Trust Account means the Arts and Culture Trust Account established under section 60(1);

arts organisation means any incorporated body or unincorporated group (however structured) that is principally engaged in —

- (a) conducting cultural or artistic activities; or
- (b) providing cultural or artistic services;

Board means the Trust's board provided for in section 16(1);

Board member has the meaning given in section 17(1);

CEO has the meaning given in section 41(1);

chairperson means the person designated under section 18(1) as the chairperson of the Board;

committee means a committee appointed under section 34(1);

Department CEO means the chief executive officer of the department of the Public Service principally assisting in the administration of this Act;

deputy chairperson means the person designated under section 18(1) as the deputy chairperson of the Board;

LA Act means the *Land Administration Act 1997*;

misconduct, in relation to a person who holds office as a Board member or the CEO, includes conduct that —

- (a) brings the Trust into disrepute; or
- (b) otherwise renders the person unfit to hold the office even though the conduct does not relate to a duty of the office;

place means any land, building or structure (whether permanent or temporary) or any part of any land, building or structure;

production activity means an activity (whether conducted in private or not) that involves or is related to the production, composition or development of any of the following (whether for display, presentation or distribution to the public or not) —

- (a) audio material, visual material or audio-visual material;
- (b) a work of art;
- (c) a literary, dramatic or musical work;
- (d) a dance or any other kind of performance;

remuneration has the meaning given in the *Salaries and Allowances Act 1975* section 4(1);

resident company means an arts organisation declared under section 5 to be a resident company for the purposes of this Act;

staff member means —

- (a) the CEO; or
- (b) a person appointed, employed or engaged as mentioned in section 52;

ticketing services, for an activity, means management services relating to the issue and sale of admission tickets for the activity;

Trust means the Arts and Culture Trust established under section 7(1);

s. 3

Trust property means —

- (a) any Trust venue; or
- (b) any other real or personal property —
 - (i) owned by, or leased to, the Trust; or
 - (ii) vested in, or placed under the care, control and management of, the Trust under a written law;

Trust venue means —

- (a) a place referred to in paragraph (a) of the definition of **venue**; or
- (b) any venue —
 - (i) owned by, or leased to, the Trust; or
 - (ii) vested in, or placed under the care, control and management of, the Trust under a written law;

Trust venue programming means the selection, procurement and scheduling of activities at Trust venues;

unable to act, in relation to a Board member, means unable to act as a Board member for any reason, including the following —

- (a) illness;
- (b) absence;
- (c) the operation of section 37;

venue means —

- (a) a place declared under section 4(1) to be a venue used, or intended to be used, wholly or partly for cultural or artistic purposes; or
- (b) any other place used, or intended to be used, wholly or partly for cultural or artistic purposes.

[4, 5. *Have not come into operation.*]

6. Act binds Crown

This Act binds the Crown in right of Western Australia and, so far as the legislative power of the Parliament permits, the Crown in all its other capacities.

[Parts 2-7 have not come into operation.]

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Notes

This is a compilation of the *Arts and Culture Trust Act 2021*. For provisions that have come into operation see the compilation table. For provisions that have not yet come into operation see the uncommenced provisions table.

Compilation table

Short title	Number and year	Assent	Commencement
<i>Arts and Culture Trust Act 2021</i> Pt. 1 (other than s. 4 and 5)	15 of 2021	9 Sep 2021	9 Sep 2021 (see s. 2(a))

Uncommenced provisions table

To view the text of the uncommenced provisions see *Acts as passed* on the WA Legislation website.

Short title	Number and year	Assent	Commencement
<i>Arts and Culture Trust Act 2021</i> s. 4 and 5 and Pt. 2-7	15 of 2021	9 Sep 2021	1 Jul 2022 (see s. 2(b) and SL 2022/77 cl. 2)

Defined terms

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

The list is not part of the law.]

Defined term	Provision(s)
activity	3
Arts and Culture Trust Account	3
arts organisation	3
Board.....	3
Board member.....	3
CEO	3
chairperson.....	3
committee	3
Department CEO.....	3
deputy chairperson.....	3
LA Act	3
misconduct.....	3
place.....	3
production activity	3
remuneration	3
resident company	3
staff member	3
ticketing services.....	3
Trust.....	3
Trust property	3
Trust venue	3
Trust venue programming.....	3
unable to act.....	3
venue.....	3