

WESTERN AUSTRALIA

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# ACTS AMENDMENT (ARTS REPRESENTATION) ACT

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No. 75 of 1987

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AN ACT to amend the *Indecent Publications and Articles Act 1902*, the *Library Board of Western Australia Act 1951*, the *Art Gallery Act 1959*, the *Museum Act 1969* and the *Perth Theatre Trust Act 1979*.

[Assented to 26 November 1987]

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

## PART I—PRELIMINARY

### Short title

1. This Act may be cited as the *Acts Amendment (Arts Representation) Act 1987*.

**Commencement**

2. This Act shall come into operation on such day as is fixed by proclamation.

## PART II—INDECENT PUBLICATIONS AND ARTICLES ACT 1902

**Section 7 amended**

3. Section 7 of the *Indecent Publications and Articles Act 1902*\* is amended—

(a) by repealing subsection (2) and substituting the following subsections—

“ (2) The Committee shall consist of—

(a) not less than 3 and not more than 7 persons appointed by the Governor; and

(b) one *ex officio* member.

(2a) Of the persons appointed by the Governor under subsection (2) (a)—

(a) at least one shall be a woman;

(b) at least one shall be a recognized expert in literature, art or science;

and

(c) one shall be a practitioner as defined by section 3 of the *Legal Practitioners Act 1893*.

(2b) The *ex officio* member referred to in subsection (2) (b) shall be the Permanent Head of the Department for the Arts or his nominee. ”;

(b) by inserting after “Committee” in subsections (3), (4) and (5) the following—

“ other than the *ex officio* member referred to in subsection (2) (b) ”;

(c) in subsection (6) by—

(i) inserting after “office of a member” the following—

“ of the Committee, other than the *ex officio* member referred to in subsection (2) (b) ”;

(ii) deleting “subsection (2) of this section” and substituting the following—

“ subsection (2a) ”; and

(iii) deleting “paragraph (a), (b) or (c) as the case requires” and substituting the following—

“ that paragraph ”;

and

(d) by inserting after “Committee” in subsection (7) the following—

“ , other than the *ex officio* member referred to in subsection (2) (b), ”.

[\*Reprinted as approved 1 September 1975 and amended by Acts Nos. 28 and 45 of 1983.]

### PART III—LIBRARY BOARD OF WESTERN AUSTRALIA ACT 1951

#### Principal Act

4. In this Part the *Library Board of Western Australia Act 1951*\* is referred to as the principal Act.

[\*Reprinted as approved 17 May 1984 and amended by Act No. 98 of 1985.]

#### Section 5 amended

5. Section 5 of the principal Act is amended—

(a) in subsection (2) by deleting “twelve” and substituting the following—

“ 13 ”;

- (b) in subsection (3) by inserting after “Director General of Education” the following—

“ , one shall be the Permanent Head of the Department for the Arts ”;

- (c) in subsection (4) by deleting—

- (i) “The Country Shire Councils” in paragraph (d) and substituting the following—

“ the Country Shire Councils’ ”;

- (ii) “The Country Town Councils” in paragraph (e) and substituting the following—

“ the Country Urban Councils’ ”; and

- (iii) “The” in paragraph (f) and substituting the following—

“ the ”;

- (d) in subsection (9)—

- (i) by inserting in paragraph (a) after “each” the following—

“ nominee ”; and

- (ii) after paragraph (a) by inserting the following paragraph—

“ (aa) A member of the Board who is not a nominee member shall nominate in writing a senior officer of the Department of Education or of the Department for the Arts, as the case requires, to act for him as a member at any meeting which he is unable to attend, and while so attending the person so nominated has all of the functions and entitlements of that member. ”;

and

- (e) in subsection (12) by deleting “six” and substituting the following—

“ 7 ”.

**Section 13 amended**

6. Section 13 of the principal Act is amended in subsection (1) (e) by inserting before “member” the following—

“ nominee ”.

## PART IV—ART GALLERY ACT 1959

**Principal Act**

7. In this Part the *Art Gallery Act 1959\** is referred to as the principal Act.

[\*Reprinted as approved 20 March 1970 and amended by Acts Nos. 38 of 1974, 35 of 1978, 40 of 1981 and 98 of 1985.]

**Section 4 amended**

8. Section 4 of the principal Act is amended by—

(a) inserting before the definition of “Art Gallery” the following definition—

“ “appointed member” means a member referred to in section 6 (1) (a); ”; and

(b) deleting the definition of “member” and substituting the following definition—

“ “member” means a member of the Board constituted under section 6 (1) and includes the chairman and vice chairman; ”.

**Section 6 amended**

9. Section 6 of the principal Act is amended—

(a) by repealing subsection (1) and substituting the following subsection—

“ (1) The Board shall consist of 8 members—

(a) 7 of whom, including the chairman and vice chairman, shall be appointed by the Governor; and

(b) one of whom shall be the Permanent Head of the Department for the Arts. ”; and

(b) in subsection (2) by inserting after “Board” the following—

“ referred to in subsection (1) (a) ”.

**Section 7 amended**

**10.** Section 7 of the principal Act is amended by inserting before “member shall hold office” the following—

“ appointed ”.

**Section 8 amended**

**11.** Section 8 of the principal Act is amended in subsections (1) and (2) by deleting “a member” in each place where it occurs and substituting the following—

“ an appointed member ”.

**Section 9 amended**

**12.** Section 9 of the principal Act is amended by deleting “a member” and substituting the following—

“ an appointed member ”.

**Section 10 amended**

**13.** Section 10 of the principal Act is amended—

(a) in subsection (1) by deleting “each member” and substituting the following—

“ each appointed member ”; and

(b) by inserting after subsection (1) the following subsection—

“ (1a) The member referred to in section 6 (1) (b) shall nominate a senior officer of the Department for the Arts to act for him as a member at any meeting which he is unable to attend, and while so attending the person so nominated has all of the functions and entitlements of that member. ”.

**Section 11 amended**

14. Section 11 of the principal Act is amended—

(a) in subsection (1) by inserting before “members” and “member” in each case the following—

“ appointed ”; and

(b) in subsection (2) (b) by deleting “another member” and substituting the following—

“ another appointed member ”.

**Section 12 amended**

15. Section 12 of the principal Act is amended in subsection (2) by deleting—

(a) “members” and substituting the following—

“ appointed members ”; and

(b) “a member” and substituting the following—

“ an appointed member ”.

**Section 13 amended**

16. Section 13 of the principal Act is amended by deleting “four” and substituting the following—

“ 5 ”.

**Section 14 amended**

17. Section 14 of the principal Act is amended by—

(a) deleting “A” and substituting the following—

“ An appointed ”; and

(b) deleting “a member” and substituting the following—

“ an appointed member ”.

## PART V—MUSEUM ACT 1969

**Principal Act**

**18.** In this Part the *Museum Act 1969*\* is referred to as the principal Act.

[\*Act No. 90 of 1969 as amended by Acts Nos. 65 of 1973, 24 of 1984 and 98 of 1985.]

**Section 6 amended**

**19.** Section 6 of the principal Act is amended by—

- (a) inserting before the definition of “Board” the following definition—

“ “appointed Trustee” means Trustee appointed under section 10 (a) or 12 (2); ”; and

- (b) deleting “appointed pursuant to” in the definition of “Trustees” and substituting the following—

“ referred to in ”.

**Section 10 repealed and a section substituted**

**20.** Section 10 of the principal Act is repealed and the following section is substituted—

## Government of Museum

“ 10. The Museum shall be governed by 8 Trustees—

- (a) 7 of whom, including the chairman and vice-chairman, shall be appointed by the Governor;

and

- (b) one of whom shall be the Permanent Head of the Department for the Arts. ”.



**Section 11 amended**

**21.** Section 11 of the principal Act is amended—

- (a) in subsection (1) by deleting “appointed as” and substituting the following—

“ who is an appointed ”;

- (b) in subsection (2) by inserting before “Trustee” in both places where it occurs the following—

“ appointed ”; and

- (c) by repealing subsection (3).

**Section 12 amended**

**22.** Section 12 of the principal Act is amended in subsection (1) by deleting—

- (a) “office of Trustee” and substituting the following—

“ office of appointed Trustee ”; and

- (b) “if a Trustee—” and substituting the following—

“ if an appointed Trustee— ”.

**Section 13 amended**

**23.** Section 13 of the principal Act is amended—

- (a) by deleting “Trustee” where it first occurs and substituting the following—

“ Trustees ”; and

- (b) inserting before “Trustee” where it occurs for the second time the following—

“ appointed ”.

**Section 14 amended**

**24.** Section 14 of the principal Act is amended—

(a) in subsection (1) by inserting before “Trustee” wherever it occurs the following—

“ appointed ”; and

(b) in subsection (2) by deleting “a Trustee” and substituting the following—

“ an appointed Trustee ”.

**Section 14A inserted**

**25.** After section 14 of the principal Act the following section is inserted—

Deputy of *ex officio* Trustee

“ 14A. The Trustee referred to in section 10 (b) shall nominate a senior officer of the Department for the Arts to act for him as a Trustee at any meeting which he is unable to attend, and while so attending the person so nominated has all of the functions and entitlements of that Trustee. ”.

**Section 15 amended**

**26.** Section 15 of the principal Act is amended—

(a) in subsection (1) by inserting before “Trustees” and “Trustee” the following—

“ appointed ”; and

(b) in subsection (3) by—

(i) deleting “a Trustee” and substituting the following—

“ an appointed Trustee ”; and

(ii) inserting before “Trustee” in the second and third places where it occurs the following—

“ appointed ”.

**Section 17 amended**

27. Section 17 of the principal Act is amended in paragraph (a) by deleting “four” and substituting the following—

“ 5 ”.

**Section 21 amended**

28. Section 21 of the principal Act is amended by deleting—

(a) “A Trustee” and substituting the following—

“ An appointed Trustee ”; and

(b) “a Trustee” and substituting the following—

“ an appointed Trustee ”.

**PART VI—PERTH THEATRE TRUST ACT 1979****Principal Act**

29. In this Part the *Perth Theatre Trust Act 1979*\* is referred to as the principal Act.

[\*Act No. 79 of 1979 as amended by Acts Nos. 59 of 1981 and 98 of 1985.]

**Section 3 amended**

30. Section 3 of the principal Act is amended in subsection (1) by—

(a) deleting “appointed on the nomination of the Council” in the definition of “Council trustee” and substituting the following—

“ referred to in section 5 (1) (b) ”; and

(b) inserting after the definition of “Council trustee” the following definition—

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

- (c) deleting “appointed on the nomination of the Minister in the definition of “Ministerial trustee” and substituting the following—

“ referred to in section 5 (1) (a) ”;

- (d) deleting the definitions of “paragraph”, “section”, “subparagraph” and “subsection”; and

- (e) deleting “trustee appointed under section 5” in the definition of “trustee” and substituting the following—

“ Council trustee, *ex officio* trustee or Ministerial trustee ”.

### Section 5 amended

31. Section 5 of the principal Act is amended—

- (a) by repealing subsection (1) and substituting the following subsection—

“ (1) The Trust shall consist of 8 trustees of whom—

(a) 4 shall be persons nominated by the Minister and appointed by the Governor;

(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 Permanent Head of the Department for the Arts or his nominee. ”;

- (b) in subsection (2) by inserting after “trustees” the following—

“ referred to in subsection (1) (a) or (b) ”;

- (c) in subsection (3) by deleting—

(i) “subsection (1)” and substituting the following—

“ subsection (1) (b) ”; and

(ii) “ paragraph (b) of ”;

- (d) by repealing subsection (4) and substituting the following 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. ”;

- (e) in subsection (5) by deleting “When a trustee” and substituting the following—

“ When a Ministerial trustee or a Council trustee ”; and

- (f) in subsection (7) by deleting “trustee” and substituting the following—

“ Ministerial trustee or a Council trustee ”.

### Section 6 amended

32. Section 6 of the principal Act is amended in subsection (1) by deleting “A trustee” and substituting the following—

“ A Ministerial trustee or Council trustee ”.

### Section 7 amended

33. Section 7 of the principal Act is amended by deleting “trustee” in both places where it occurs and substituting in each case the following—

“ Ministerial trustee or Council trustee ”.

### Section 8 amended

34. Section 8 of the principal Act is amended in subsection (5) by deleting “four” and substituting the following—

“ 5 ”.

### Section 12 amended

35. Section 12 of the principal Act is amended in subsection (2) by inserting after “trustees” the following—

“ other than the *ex officio* trustee, ”.

**Section 13 amended**

**36.** Section 13 of the principal Act is amended by deleting “trustee” in both places where it occurs and substituting the following—

“ Ministerial trustee or Council trustee ”.

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