

AUSTRALIA WESTERN AUSTRALIA CHARITABLE TRUST ACT

§5 General provisions as to recreational and similar trusts, etc.

(1) Subject to the provisions of this Part, it is, and shall be deemed always to have been, charitable to provide, or to assist in the provision of, facilities for recreation or other leisure-time occupation, if the facilities are provided in the interests of social welfare.

(2) The requirement of subsection (1) that the facilities be provided in the interests of social welfare is not satisfied unless $\frac{3}{4}$

(a) the facilities are provided with the object of improving the conditions of life for the persons for whom the facilities are primarily intended; and

(b) either $\frac{3}{4}$

(i) those persons have need of those facilities by reason of their youth, age, infirmity or disablement, poverty or social and economic circumstances; or

(ii) the facilities are to be available to members, or to male or female members, of the public at large.

(3) Subject to the requirement of subsection (1) that the facilities be provided in the interests of social welfare, that subsection applies in particular to the provision of facilities at public halls, community centres, and women's institutes, and to the provision and maintenance of grounds and buildings to be used for purposes of recreation or leisure-time occupation, and extends to the provision of facilities for those purposes by the organising of any activity.

(4) Nothing in this section derogates from the principle that a trust or institution, to be charitable, must be for the public benefit.