

1964.]

*Cancer Council of Western
Australia.*

[No. 20.]

CANCER COUNCIL OF WESTERN AUSTRALIA.

13° Elizabeth II., No. XX.

No. 20 of 1964.

**AN ACT to amend the Cancer Council of Western
Australia Act, 1958.**

[Assented to 15th October, 1964.]

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:—

1. (1) This Act may be cited as the *Cancer Council of Western Australia Act Amendment Act, 1964.*

Short title
and citation.

(2) In this Act the Cancer Council of Western Australia Act, 1958, is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Cancer Council of Western Australia Act, 1958-1964.

Commence-
ment.

2. This Act shall come into operation on a date to be fixed by proclamation.

S. 4
amended.

3. Section four of the principal Act is amended by substituting for the interpretation, "Institute", the following interpretation—

"Institute" means an institution for the detection or treatment of cancer and allied conditions established under section twelve of this Act as a cancer institute; .

S. 6
amended.

4. Section six of the principal Act is amended—

(a) by substituting for subsection (2) the following subsection—

(2) The Council shall be comprised of the members from time to time appointed by the Governor in accordance with this section. ;

(b) by substituting for the words, "to the remaining six offices of the Council" in lines two and three of subsection (6), the words, "as members of the Council";

(c) by substituting for the word, "two" in line one of paragraph (c) of subsection (6), the words, "not less than two nor more than four persons";

(d) by adding to subsection (7) the following paragraphs—

(c) Except as provided in paragraph (e) of this subsection, the President and Deputy President of the Council shall be elected for a term expiring on the thirty-first day of May in the second year after the year in which he is elected to the office of President or Deputy President, as the case may be.

(d) The members present at the first meeting of the Council after the office of the member who is the President of the Council or Deputy President of the Council is vacated other than by virtue of subsection (11) of this section, shall elect a member to the office of President of the Council and another member to the office of Deputy President of the Council.

(e) In the event of a vacancy occurring in the office of President or Deputy President of the Council during the term of office of the President or Deputy President, the members present at a meeting of the Council shall elect a member to fill the vacancy for the unexpired portion of the term of the President or Deputy President of the Council in whose place he is elected.

(f) The term of office of the President of the Council and of the Deputy President of the Council holding office at the date of the coming into operation of the Cancer Council of Western Australia Act Amendment Act, 1964, shall, unless sooner determined under this Act, expire on the thirty-first day of May, nineteen hundred and sixty-six. ;

(e) by adding after subsection (7) the following subsection—

(7a) It is hereby declared that—

Validation.

(a) any election made or purported to be made of a member to the office of President or Deputy President of the Council under this Act prior to the date of the coming into operation of the Cancer Council of Western Australia Act Amendment Act, 1964 shall be deemed to have been validly made; and

(b) all acts or decisions that have been done or made or that purport to have been done or made by the Council under this Act prior to that date, and which, but for this subsection, may have been of doubtful validity, are ratified as lawful and validated. ;

(f) by substituting for paragraphs (a) and (b) of subsection (8) the following paragraphs—

(a) At the first meeting of the Council the Council shall nominate two persons and at any meeting thereafter the Council may nominate additional persons to the number of two, being persons willing to accept office as members of the Council and to be nominated as nominees of the Council.

(b) The Council shall furnish the name of any person so nominated to the Minister within such period of time after the meeting at which he is nominated as the Minister directs.

(c) The Minister shall present to the Governor any name furnished to him under this section as soon as practicable after it is received by him, and the Governor shall appoint any person so nominated as a member of the Council.

(d) If the Council does not furnish the names of two persons as it is required to do by paragraph (a) of this subsection, the Minister shall inform the Governor who shall appoint two persons as he thinks fit to be members of the Council. ;

(g) by deleting the word, "two" in line three of subsection (9);

(h) by adding after the word, "subsection", being the last word in paragraph (a) of subsection (12), the passage, ", but if the vacancy does not result in the number of members nominated by the Council being reduced below two the appointment of a successor is permissive and not mandatory"; and

(i) by repealing subsection (13).

5. Section eight of the principal Act is amended— S. 8
amended.

(a) by substituting for the passage, ", functions, duties, and powers" in line two of subsection (2), the words, "and functions";

(b) by adding after the word, "causation" in line two of paragraph (a) of subsection (2), the passage, ", diagnosis";

(c) by substituting for paragraph (d) of subsection (2), the following paragraph—

(d) to build, establish, maintain, equip, control and manage institutes; ;

(d) by substituting for paragraph (g) of subsection (2), the following paragraph—

(g) to publish information relating to the prevention, detection and treatment of cancer and allied conditions; ;

(e) by repealing paragraphs (h) and (j) of subsection (2); and

(f) by adding after subsection (2) a subsection as follows—

(3) Subject to subsection (1) of this section the Council may do all such acts and things as may be necessary to enable

it to achieve its objects and to perform its functions and, in particular and in addition to any other powers conferred on it by this Act, the Council may—

- (a) with the approval of the Minister, in its corporate name, appoint, supervise, control, suspend and dismiss officers;
- (b) in its corporate name and with the approval of the Minister—
 - (i) acquire, hold and dispose of real and personal property;
 - (ii) borrow money;
 - (iii) enter into contracts;
 - (iv) sue, compromise and settle claims and actions and enter into submissions to arbitration;
 - (v) do anything incidental to any of its powers;
- (c) in its corporate name be sued;
- (d) execute in accordance with the terms of the trust any special trust in connection with any moneys or property received, obtained or held by the Council;
- (e) exercise such further powers as may be conferred upon it by the regulations. .

7. Subsection (1) of section seventeen of the principal Act is amended by deleting the passage, "and shall give effect to any directions of the Minister with respect to the exercise by the Board of any duty, power or function of the Board" in lines three, four, five and six. S. 17
amended.

8. Subsection (2) of section nineteen of the principal Act is amended by adding after the word, "Treasury", being the last word in the subsection, the following passage, "or may, with the written approval of the Minister, be paid to the credit of the Council into an account with such bank as the Council may from time to time decide". S. 19
amended.

9. Subsection (1) of section twenty-one of the principal Act is amended by adding after the word, "for" in line three, the passage, "or towards any of the objects, or in the exercise of any of the functions, referred to in section eight of this Act and in particular may use and apply that money for". S. 21
amended.

10. Section twenty-two of the principal Act is amended— S. 22
amended.

(a) by adding after subsection (1) a subsection as follows—

(1a) The Board of an institute shall cause to be kept in such manner as the Auditor General requires or approves, true and regular accounts of all money received and expended by it. ; and

(b) by adding after the word, "Council" in line one of subsection (2), the words, "and each Board of an institute".

S. 24
amended.

11. Subsection (2) of section twenty-four of the principal Act is amended by adding after the word, "Council" being the last word in paragraph (c), the following passage,

“; and

(d) conferring upon the Council such additional powers as the Governor thinks fit.” .
