

WESTERN AUSTRALIA

**CANCER COUNCIL OF
WESTERN AUSTRALIA.**

7° Elizabeth II., No. XLIII.

No. 43 of 1958.¹

(Affected by Act No. 113 of 1965.)

[As amended by Act No. 20 of 1964,² Assented to 15th October, 1964; and reprinted pursuant to the Amendments Incorporation Act, 1938.]

AN ACT for the purposes of constituting a Body Corporate with the functions of Co-ordinating, Stimulating, Promoting, and Subsidising Research into the Cause, Diagnosis, Prevention, and Treatment, of Cancer and Allied Conditions; and with the Powers to Establish and Maintain Cancer Institutes to give effect to its Functions and for Incidental and Other Purposes.

[Assented to 12th December, 1958.]

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 PROVISIONS.

1. This Act may be cited as the *Cancer Council of Western Australia Act, 1958-1964.*

Short title,
and citation.
Amended by
No. 20 of 1964,
s.l.

¹ Came into operation 1st June, 1959. See *Gazette* 22/5/59, p. 1348.

² Came into operation 4th December, 1964. See *Gazette* 4/12/64, p. 3849.

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Commencement.

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

Arrangement.

3. The arrangement of this Act is as follows :—

PART I.—PRELIMINARY PROVISIONS.

PART II.—CANCER COUNCIL OF WESTERN AUSTRALIA.

PART III.—OBJECTS, FUNCTIONS, DUTIES AND POWERS OF COUNCIL.

Division 1.—General Provisions.

Division 2.—Staff of Council and Institutes.

PART IV.—CANCER INSTITUTES.

PART V.—FINANCE AND ACCOUNTS.

PART VI.—REGULATIONS.

Division 1.—With respect to the Council.

Division 2.—With respect to a Board.

Division 3.—Regulations Generally.

PART VII.—MISCELLANEOUS.

Interpretation.
Amended by
No. 20 of 1964,
s. 3.

4. In this Act unless the context requires otherwise—

“ Board ” means the body corporate constituted under this Act as the Board of Management of a Cancer Institute ;

“ Council ” means the body corporate constituted under this Act as the Cancer Council of Western Australia ;

“ Fund ” means the Cancer Council of Western Australia Fund established under this Act ;

“ 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 ;

“ land ” includes estates in land.

This Act not
to affect
Health Act,
1911.
Cf. No. 34 of
1911 as
amended.

5. Where the provisions of this Act or any regulation made under this Act are in conflict or are inconsistent with the provisions of the Health Act, 1911 or any regulation or by-law made under that Act,

the provisions of the latter Act, regulation or by-law shall prevail to the extent to which they are so in conflict or inconsistent.

PART II.—CANCER COUNCIL OF WESTERN AUSTRALIA.

6. (1) A body corporate, to be called the "Cancer Council of Western Australia" is hereby constituted for the purposes of this Act.

The Council.
Amended by
No. 20 of 1964,
s. 4.

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

(3) Subject to the provisions of subsection (4) of this section, as to ten of the members of the Council

- (a) two shall be members of the honorary staff of Royal Perth Hospital, one of whom is a radiotherapist, who are nominated by the Board of Management of that hospital ;
- (b) one shall be a member of the honorary staff of Fremantle Hospital, who is nominated by the Board of Management of that hospital ;
- (c) one shall be a member of the honorary staff of Princess Margaret Hospital, who is nominated by the Board of Management of that hospital ;
- (d) one shall be a member of the honorary staff of King Edward Memorial Hospital, who is nominated by the Board of Management of that hospital ;
- (e) two shall be medical practitioners, who are nominated by the British Medical Association, at least one of whom is a general practitioner ;
- (f) two shall be members of the Faculty of Medicine, one of whom is a pathologist, who are nominated by the Senate of the University of Western Australia ; and
- (g) one shall be a physicist who is nominated by the Senate of the University of Western Australia.

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(4) The Minister shall in writing invite each of the bodies referred to in subsection (3) of this section to furnish him within a stipulated time, being not less than fourteen days from the giving of the invitation with the name of one person or, if the case requires, the names of two persons nominated by the body for appointment, and willing to accept office, as member of the Council.

(5) If within the stipulated time the body submits the nomination to the Minister he shall present the nomination to the Governor, who shall appoint the person nominated as a member to represent the body on the Council, but if within the stipulated time the Minister has not received the nomination, he shall inform the Governor who shall appoint such person as he thinks fit so to represent the body.

(6) The Minister shall recommend to the Governor for appointment as members of the Council the following persons who are willing to accept office as members of the Council—

- (a) two officers of the Department of Public Health, one of whom is for the time being appointed to the office of Commissioner of Public Health or to the office of Deputy Commissioner of Public Health ;
- (b) two persons who are selected by the Minister ; and
- (c) not less than two nor more than four persons who are nominated by the Council in accordance with the provisions of subsection (8) of this section.

And the Governor shall appoint the persons so recommended as members of the Council.

(7) (a) The first meeting of the Council shall be held at a time and place directed by the Minister.

(b) The members present at the meeting shall elect a member to the office of President and another member to the office of Deputy President.

(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.

(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

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prior to that date, and which, but for this subsection, may have been of doubtful validity are ratified as lawful and validated.

(8) (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.

(9) (a) Each body represented on the Council may by written notice delivered to the Council, and in respect of the members referred to in subsection (8) of this section the Council may,

(i) appoint a person to act as a deputy on the Council when its nominee member is not available to act as a member of the Council ;
or

(ii) cancel an appointment so made of a person, and appoint instead another person to act as deputy.

(b) The Minister may by written notice delivered to the Council,

(i) appoint a person to act as deputy on the Council for any other member when he is not available to act as such ; and

- (ii) cancel an appointment so made of a person, and appoint instead another to act as deputy for such other member.

(c) A person while appointed as deputy of a member and while acting as such, has and may exercise the same powers as the member for whom he is deputy.

(d) A deputy of a member may continue to act in office notwithstanding that there is a vacancy in the office of that member.

(10) (a) The term of tenure of office in the case of—

- (i) the members first appointed to office on the Council expires by effluxion of time at the expiration of the period of three years ; and
- (ii) members subsequently appointed or reappointed to office on the Council expires by effluxion of time at the expiration of the period of two years ;

commencing on the date specified in the notice of appointment published in the *Gazette* as the commencing day of that term.

Cf. post s. 7 (1) as to publication of notice of appointments.

(b) A member may be removed from office by the Governor if, in the opinion of the Governor, the member has become unsuitable to continue as a member because of mental or physical infirmity or illness, or because of neglect of duty as a member or misbehaviour whether in his official capacity as a member or otherwise.

(11) The office of member becomes vacant if

- (a) he dies ;
- (b) he resigns by written resignation delivered to the Minister ;
- (c) he is removed under paragraph (b) of subsection (10) of this section ;
- (d) he is convicted of an indictable or other offence which, in the opinion of the Governor was of so serious a nature as to render him unsuitable to remain in office ;

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- (e) he becomes bankrupt, or, as a debtor, takes advantage of protection or relief under any law for the protection or relief of bankrupt debtors, or assigns any remuneration or allowance to which he is entitled under this Act as a member of the Council for the benefit of his creditors ; or
- (f) he is an insane person or patient within the meaning of the laws in force for the time being relating to lunacy.

(12) (a) Where a vacancy occurs

- (i) in the office of a member appointed in accordance with the provisions of subsections (3), (4), and (5) of this section, a successor shall be appointed in the manner prescribed by such of those subsections as are appropriate ; and
- (ii) in the office of a member appointed pursuant to subsection (6) of this section, a successor shall be appointed in the manner prescribed by that subsection, 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.

(b) Where a vacancy in the office of a member occurs during the term of office of the member, the person appointed to fill the vacancy is entitled to occupy the office only for the remainder of that term.

(c) A person is not rendered ineligible for appointment to office of member or deputy because he has previously occupied office as such, unless he has been removed under paragraph (b) of subsection (10) of this section.

(13) [*Repealed by No. 20 of 1964, s. 4.*]

Quorum.

(14) A quorum present at any meeting of the Council at, or within half an hour after, the time appointed for the commencement of the meeting may exercise any function of the Council as effectively as if all members were present, and is constituted by

seven, whether the seven are members or the seven are deputies, or of the seven one or more than one is a member and one or more than one is a deputy, but so that a deputy is not included unless the member for whom he is appointed deputy is absent or that member's office is vacant.

(15) The decision of the Council is that of the majority of the members present and voting at a meeting of the Council, and is determined by the votes of the members, each member present and voting including the President having one vote, and where there is an equal division of votes on a motion, the motion is lost.

(16) No act or decision of the Council is invalid or defective on the ground that when the act was done or the decision made, a vacancy existed in office of member of the Council or on the ground of a defect in the nomination for, or appointment to, office of member of the Council, or of a deputy.

(17) The offices of members of the Council or their deputies shall be deemed not to be offices of profit from the Crown on acceptance of which offices by a Member of the Legislative Council or the Legislative Assembly, his seat becomes vacant.

Cf. 63 Vict
No. 19 as
amended,
s. 38.

(18) (a) The Council shall conduct its proceedings in such manner as it thinks fit but so that at a meeting of the Council

the President or the Deputy President,
or in the absence of the President and the Deputy President,

a member elected as Acting President by
members present at the meeting,
shall preside for that meeting.

(b) Notwithstanding the provisions of paragraph (a) of this subsection, if regulations are made relating to the conduct of the proceedings of the Council then the Council shall conduct its proceedings in accordance with the regulations.

(19) The Council shall cause to be recorded and kept proper minutes of its proceedings.

Gazettal of appointments of members.

7. (1) (a) The Minister shall cause notice of appointments to the respective offices of members of the Council to be published in the *Gazette*.

Council constituted a body corporate with perpetual succession and a common seal.

(b) By the publication of the first appointments, the Council is constituted a body corporate with perpetual succession, and a common seal in the form prescribed by the regulations.

Common seal to be judicially noticed.

(2) Courts, Judges, and other persons acting judicially shall take judicial notice of the common seal of the Council affixed to any document, and shall presume that it was regularly affixed, if the seal purports to have been so affixed, in the presence of the President or the Deputy President and another councillor or his deputy.

PART III.—OBJECTS, FUNCTIONS, DUTIES, AND POWERS OF THE COUNCIL.

Division 1.—General Provisions.

Objects, functions, duties, and powers of Council.

Amended by No. 20 of 1964, s. 5.

8. (1) (a) Subject to the Minister the Council shall carry out the administration of this Act.

(b) The Minister may from time to time give directions to the Council with respect to the objects, functions, duties, and powers of the Council either generally or in respect to a particular matter and the Council shall give effect to the directions according to their tenor.

(2) Subject to subsection (1) of this section the objects and functions of the Council are—

- (a) to co-ordinate and stimulate in Western Australia research into the causation, diagnosis, prevention, and treatment, of cancer and allied conditions ;
- (b) to promote and subsidise research into the cause, diagnosis, prevention and treatment of cancer and allied conditions ;
- (c) to co-operate and enter into agreements, with such persons and organisations whether incorporate or unincorporate, as are

within or without the State, for the purpose of achieving the objects of the Council ;

- (d) to build, establish, maintain, equip, control and manage institutes ;
- (e) to establish and maintain accommodation for patients undergoing treatment at an Institute ;
- (f) to invite, raise, receive, hold, and invest, moneys, and gifts ;
- (g) to publish information relating to the prevention, detection and treatment of cancer and allied conditions ;
- (h) [*Repealed by No. 20 of 1964, s. 5.*]
- (i) to assist in provision of teaching facilities in connection with cancer and allied conditions ; and
- (j) [*Repealed by No. 20 of 1964, s. 5.*]

(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 ;

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- (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.

Further powers of Council.

9. (1) The Council may from time to time—

- (a) constitute Committees by appointing any number of persons to be members of the Committees, and abolish a Committee so constituted by dismissing all the members of the Committee ;
- (b) assign names to the Committees so appointed ;
- (c) subject to the approval of the Minister, delegate to a Committee such of its functions, duties, discretions, and powers, except this power of delegation, for such time and subject to such conditions as the Council determines and the Committee shall exercise and perform the functions, duties, discretions, and may exercise the powers, so delegated to it ;
- (d) dismiss any member of a Committee and appoint another person to the office of the dismissed member ; and
- (e) vary or cancel any act done, or direction given by the Council.

(2) The Council shall—

- (a) appoint at least one of its members to be a member of each Committee ; and
- (b) appoint as chairman of a Committee, one of its members appointed to that Committee pursuant to paragraph (a) of this subsection.

Division 2.—Staff of Council and Institutes.

10. (1) The Council or a Board respectively, having regard to the desire of its officers and servants may

Council or Board may arrange pensions for officers and servants.

(a) enter into and carry out an agreement for the purpose of providing pension, superannuation, sickness, or family, benefits, or long service leave benefits, or other benefits of a similar nature, for any of its officers and servants ; and

(b) request that the inclusion of the Council or Board as a department for the purposes of the Superannuation and Family Benefits Act, 1938, be recommended by the Minister having the administration of that Act and approved by the Treasurer ; or

(c) enter into an agreement under paragraph (a) in respect of some of its officers and servants, and make a request under paragraph (b), of this subsection, in respect of others of its officers and servants.

(2) If a request is made pursuant to paragraph (b) of subsection (1) of this section,

(a) then notwithstanding the interpretation of the term, "department" in subsection (1) of section six of the Superannuation and Family Benefits Act, 1938, the Treasurer, on the recommendation of the Minister mentioned in that interpretation, may, if the Council or Board enters into the agreement and makes the arrangements required by the proviso to that interpretation, approve the inclusion of the Council or Board as a department for the purposes of that Act ; and

(b) authority is hereby conferred on the Council or Board to enter into and carry out the agreement and the arrangements.

(3) If the Treasurer so approves the inclusion of the Council or Board as a department, the Council or Board shall be deemed a department for the pur-

poses of that Act, but no such approval and no provision of this section constitutes the Council or Board a department for any other purpose.

(4) No officer or servant of the Council or Board is compelled to become a contributor for pension, superannuation, or benefits, under an agreement entered into by the Council or Board under this section.

Acceptance
of office.

11. Acceptance of, or acting in the office of member or deputy member of the Council or of a Board by any person shall not of itself render the provisions of the Public Service Act, 1904, the Superannuation Act, 1871, or the Superannuation and Family Benefits Act, 1938, applicable to him nor affect the application of those provisions to him if they applied to him at the time of the acceptance of or acting in the office.

PART IV.—CANCER INSTITUTES.

Cancer
Institutes.

12. (1) The Minister on the recommendation of the Council may from time to time, by notice published in the *Gazette*, establish and assign a name to a Cancer Institute and the Board of the Institute constituted in accordance with the provisions of section fourteen of this Act may carry out such of the objects, functions, and powers, conferred on the Council by this Act as the Council from time to time delegates to it and is hereby authorised to delegate.

(2) The Council may, with the approval of the Minister, from time to time with respect to any Institute constituted in accordance with the provisions of subsection (1) of this section—

- (a) prohibit or regulate the admission of persons to, or the right of persons to remain in, the Institute ; and
- (b) prescribe fees for any service provided by the Board and specify the persons to be liable to pay the fees.

13. (1) [*Repealed by No. 20 of 1964, s. 6.*]

Board a
body corporate
and a teaching
hospital
Amended by
No. 20 of 1964,
s. 6.

(2) Each Board appointed pursuant to this Act is

- (a) a body corporate with perpetual succession and a common seal ; and
- (b) a teaching hospital within the meaning of the interpretation of that term in section two of the University Medical School, Teaching Hospitals, Act, 1955, and the Board or a Commissioner appointed pursuant to subsection (2) of section fifteen of this Act is, and may exercise the powers of, a managing body of a hospital in accordance with section four of that Act.

Cf. Act No.
31 of 1955.

14. (1) The Minister after receiving a recommendation of the Council made pursuant to section twelve of this Act may appoint seven persons to be members of a Board of whom

Appointment
of Board.

- (a) one is a person nominated by the Senate of the University of Western Australia ;
- (b) four are persons nominated by the Council, of whom not more than two are medical practitioners ; and
- (c) two are persons selected by the Minister.

(2) (a) The term of tenure of office of

- (i) three of the persons nominated by the Council and one of the persons selected by the Minister first appointed to the office of member of a Board is three years from the date of the appointment ;
- (ii) the remaining persons appointed to the office of a member of a Board is two years ; and
- (iii) all other persons subsequently appointed or re-appointed to the office of member of a Board is two years.

(3) Such of the provisions of section six of this Act relating to the appointment of members of the Council and their deputies as are appropriate after the necessary adaptations and modifications have been made apply *mutatis mutandis* to the appointment of members of a Board or their deputies.

Minister
may dismiss
members
of Board.

15. (1) The Minister may—

- (a) dismiss any member of the Board of an Institute after consultation with the Council ;
- (b) where all members of the Board, or so many members of the Board that a quorum cannot be formed, are dismissed pursuant to paragraph (a) of this subsection, appoint seven new members to the office of member of the Board in the manner provided by section fourteen of this Act ; and
- (c) where a member is dismissed by him, appoint a new member in the manner provided by section fourteen of this Act.

(2) (a) Where a Board has been dismissed the Minister may appoint a person to be Commissioner of the Institute until a new Board is appointed pursuant to paragraph (b) of subsection (1) of this section.

(b) The Commissioner so appointed and any persons directed by him may exercise all of the powers and shall perform all of the duties of the Board in the control and management of the Institute.

Chairman
and proceedings
of Board

16. (1) The Council shall appoint one of its nominees who has been appointed to a Board to be chairman of the Board.

(2) The chairman of a Board—

- (a) may remain in the office of chairman for a term of one year ; and
- (b) is eligible for re-appointment from time to time but so that he does not occupy the office of chairman of a Board for more than three consecutive years.

(3) Four members of a Board or their deputies meeting in accordance with the provisions of subsection (14) of section six of this Act, constitute a quorum.

(4) The decision of a Board is that of the majority of the members present and voting at a meeting of the Board, and is determined by the votes of the members, each member present and voting including the chairman having one vote, and where there is an equal division of votes on a motion, the motion is lost.

17. (1) A Board for the purposes of carrying out its functions and duties, and of exercising its powers under this Act, is subject to the Council, and the Board

Functions,
powers and
duties of
Board.
Amended by
No. 20 of 1964,
s. 7.

- (a) may, with the approval of the Council, employ or engage such officers and servants as the Board considers necessary in order to enable the Board to carry out its functions, at such respective rates of remuneration and conditions of service as, subject to any award or agreement in force under the Industrial Arbitration Act, 1912, the Board determines and is hereby authorised to determine ;
- (b) may, in the name of the Board,
 - (i) enter into contracts ; and
 - (ii) sue, compromise and settle claims and actions, and enter into submissions to arbitration ;
- (c) may, in the name of the Board, be sued ;
- (d) shall cause to be recorded and kept, true and proper minutes of its proceedings ; and
- (e) shall conduct its proceedings in such manner as the Board from time to time determines and is hereby authorised to determine but if regulations relating to the conduct of its proceedings are made, shall conduct its proceedings in accordance with the regulations.

(2) The functions, powers, and duties of a Board include such functions, powers, and duties as are prescribed in or under this Act.

PART V.—FINANCE AND ACCOUNTS.

Vesting of
assets of
Anti-Cancer
Council of
Western
Australia.

18. (1) When the Council is duly constituted pursuant to this Act, and at the first meeting of the Council, the voluntary association known as the Anti-Cancer Council of Western Australia

- (a) shall cause all moneys, property and records to be paid, transferred and delivered to the Council ; and
- (b) shall dissolve and cease to function.

(2) The Council shall accept, and is hereby authorised to accept, the moneys, property and records of the Anti-Cancer Council of Western Australia and the Council shall assume the liabilities and obligations of the Anti-Cancer Council of Western Australia.

Fund.
Amended by
No. 20 of 1964,
s. 8.

19. (1) For the purposes of this Act, there shall be established a fund to be called the "Cancer Council of Western Australia Fund."

(2) All moneys from time to time belonging to the Fund shall be deposited in an account to be called the "Cancer Council of Western Australia Fund Account" which shall be kept at the Treasury 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.

(3) The Fund shall consist of—

- (a) money received by the Council from the Anti-Cancer Council of Western Australia pursuant to subsection (1) of section eighteen of this Act ;
- (b) gifts of money made for the purposes of this Act, and the proceeds of other gifts made for those purposes ;

- (c) the income derived from the investment of money forming part of the Fund ;
- (d) the proceeds of disposal, or borrowing on the security, of property ; and
- (e) amounts appropriated from time to time by Parliament for the purposes of this Act.

20. Where any money forming part of the Fund is not immediately required for the purposes of this Act, the Council may, with the approval of the Minister invest it in any investments authorised by law as those in which trust funds may be invested.

Council may invest money forming part of the Fund.

21. (1) Subject to the Minister and to subsection (2) of this section, the Council may use and apply money in the Fund for 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 all or any of the following purposes :—

Application of money in the Fund. Amended by No. 20 of 1964, s. 9.

- (a) The payment of the expenses of administering this Act ;
- (b) the payment of the general administrative expenses of the Council ;
- (c) the payment to a Board of an Institute of such money as is necessary for the administration by the Board of the Institute ;
- (d) the payment of officers and servants employed or engaged under paragraph (j) of subsection (2) of section eight of this Act ; and
- (e) the payment of subsidies and the making of loans to any organisations approved by the Minister.

(2) Where gifts of money, bequests, or other gifts, have been made upon conditions for the purposes of this Act, the Council shall use or apply money representing those gifts and bequests in accordance with the conditions upon which they were made.

Accounts.
Amended by
No. 20 of 1964,
s. 10.

22. (1) The Council shall cause to be kept in manner required or approved by the Auditor General true and regular accounts—

- (a) of money received into and belonging to the Fund ;
- (b) of money expended from the Fund and the purposes for which it has been expended ;
and
- (c) of the assets and liabilities of the Council.

(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.

Annual
balance.

(2) The Council and each Board of an institute shall cause the accounts to be balanced at the thirtieth day of June in each year.

Audit.

(3) The Auditor General—

- (a) has in respect of the accounts the powers conferred upon him by the Audit Act, 1904 ;
- (b) shall arrange for the audit of the accounts ;
and
- (c) shall, as soon as practicable after the completion of the audit in each year, prepare and deliver to the Council a report on the audit of the accounts.

Annual
report.

23. As soon after having received the Auditor Generals' report as is practicable the Council—

- (a) shall deliver a true copy of it to the Minister for tabling in both Houses of Parliament ;
and
- (b) shall submit to the Minister for presentation to both Houses of Parliament a report of its activities during the year to which the Auditor General's report relates.

PART VI.—REGULATIONS.

Division 1.—With respect to the Council.

24. (1) The Governor may make such regulations as he considers necessary, convenient, or desirable to assist the Council to carry out its objects, functions, duties and powers pursuant to this Act.

Power to make regulations. Amended by No. 20 of 1964, s. 11.

(2) Without limiting the generality of subsection (1) of this section the Governor may make regulations—

- (a) for regulating meetings and proceedings of the Council including the appointment of administrative officers of the Council ;
- (b) prescribing the form and custody of the common seal of the Council and the manner in which the seal may be affixed to documents and the manner in which documents issued by the Council may be authenticated ; and
- (c) prescribing the payment to be made to members of the Council or of any Committee appointed by the Council for travelling and other expenses incurred when engaged on the business and under the direction of the Council ; and
- (d) conferring upon the Council such additional powers as the Governor thinks fit.

Division 2.—With respect to a Board.

25. (1) The Governor may make such regulations as he considers necessary, convenient, or desirable, to assist a Board to carry out its objects, functions, duties, and powers pursuant to this Act.

Power to make regulations.

(2) Without limiting the generality of subsection (1) of this section the Governor may make regulations—

- (a) for maintaining order and discipline and regulating the general conduct of inmates of and visitors to the Institute ;
- (b) prescribing the manner of application for positions as officers or servants of the Institute

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and the manner of appointment by the Board of persons to those positions ;

- (c) prescribing the duties of officers and servants employed or engaged by the Board ;
- (d) prescribing the name of the Board and the form and custody of the common seal of the Board and the manner in which the seal may be affixed to documents and the manner in which documents issued by the Board may be authenticated ; and
- (e) for prohibiting and preventing trespass on the premises of the Institute.

Division 3.—Regulations Generally.

Further powers to make regulations.

26. Without prejudice to the generality of subsection (1) of each of sections twenty-four and twenty-five of this Act respectively—

- (a) regulations may be so made so as to apply generally, for a particular class or in a particular case ; at all times or at a specified time or specified times ; to the whole of the Council's or Board's objects, functions, duties, and powers, or in respect of any part or parts of those objects, functions, duties, and powers ; and
- (b) regulations may be so made so as to require any matter to which a regulation relates, to be in accordance with a specified requirement, or as approved by, or to the satisfaction of, a specified person or body or specified class of person or body, or so as to delegate to, or confer on, a specified person or body or class of person or body, a discretionary authority.

Penalty under regulations. Amended by No. 113 of 1965, s. 8.

27. The regulations made under this Act may prescribe a penalty not exceeding a fine of forty dollars for any breach of the regulations.

PART VII.—MISCELLANEOUS.

28. A person who, whether as Minister, a member of the Council, or a Board, or a person whose services are employed or engaged by the Council or a Board, is not personally liable for anything which he does or omits in good faith in pursuance or purported pursuance of the provisions of this Act.

Persons acting in good faith are not liable personally.

29. Where the Council is of opinion that an officer or servant, or prospective officer or servant, of the Council, or of a Board will, in the course of his normal duties, be entrusted, or required to deal, with money on behalf of the Council or a Board, the Council or as the case may be, the Board may, before appointing, or promoting, the officer or servant, require him to give adequate security for the faithful discharge of his duties and after his appointment or promotion to keep and maintain the security in full force and effect while he remains in the employment of the Council, or the Board.

Certain officers to give security.

30. (1) The President of the Council or the Deputy President may execute documents on behalf and by authority of the Council.

Execution and authorisation of documents.

(2) Production of a document which purports to have been signed on behalf of the Council by the President or the Deputy President is, in absence of proof to the contrary, proof that the document was executed on behalf and by authority of the Council, without the necessity of proof of his signature or occupancy of office, or the authority of the Council.