

AUTHORITY FOR INTELLECTUALLY HANDICAPPED PERSONS ACT 1985.

(Act No. 68 of 1985.)

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WESTERN AUSTRALIA.

**AUTHORITY
FOR INTELLECTUALLY
HANDICAPPED PERSONS.**

No. 68 of 1985.

AN ACT for the establishment of an Authority to develop and carry out policies for the provision of appropriate services for, and for advancing the welfare of, intellectually handicapped persons; and for incidental and other purposes.

[Assented to 15 November 1985.]

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.

1. This Act may be cited as the *Authority for Intellectually Handicapped Persons Act 1985.* Short title.

Commence-
ment.

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

Interpreta-
tion.

3. In this Act, unless the contrary intention appears—

“Account” means the account referred to in section 21 (2);

“Authority” means the Authority for Intellectually Handicapped Persons established by section 4 (1);

“chairman” means the chairman appointed under section 5 (1) (a);

“deputy chairman” means the deputy chairman appointed under section 5 (3);

“Director” means the person appointed under section 15 to the office of Director, and includes an acting Director;

“intellectually handicapped person” means a person who has a general intellectual functioning which is significantly below average and concurrently has deficits in his adaptive behaviour, such conditions having become manifest during the developmental period;

“licence” means a licence under section 36;

“licensee” means a person to whom a licence is granted;

“member” means a member of the Authority and, except for the purposes of clauses 1, 2 (c) and 3 (1) of the Schedule, includes a temporary member;

“member of a committee” means a member of a committee appointed under clause 6 of the Schedule;

“non-government” in relation to services provided for intellectually handicapped persons means services provided otherwise than by or on behalf of the Authority or an agency or instrumentality of the Crown in right of the State or the Commonwealth; and “non-government bodies providing services” in section 5 (2) (c) means bodies providing such services;

“temporary member” means a person acting under clause 3 (1) of the Schedule.

PART II—AUTHORITY FOR INTELLECTUALLY HANDICAPPED PERSONS.

4. (1) There is established by this section an Authority by the name of the Authority for Intellectually Handicapped Persons. Authority established.

(2) The Authority is a body corporate with perpetual succession and a common seal and is capable of—

- (a) acquiring, holding and disposing of real and personal property;
- (b) suing and being sued; and
- (c) doing and suffering all such acts and things as bodies corporate may lawfully do and suffer.

(3) The Authority is an agent of the Crown in right of the State.

(4) All courts and persons acting judicially shall take judicial notice of the common seal of the Authority.

5. (1) The Authority shall consist of—

Membership of Authority.

- (a) a chairman appointed by the Minister; and

- (b) 5 other members appointed by the Minister in accordance with subsection (2).

(2) Appointments by the Minister under subsection (1) (b) shall be made as follows—

- (a) 2 members shall be persons who in the opinion of the Minister have experience in the provision of services to intellectually handicapped persons and knowledge of their general needs;
- (b) one member shall be a person who in the opinion of the Minister has experience in the education of intellectually handicapped persons and knowledge of their educational needs;
- (c) 2 members shall be persons who in the opinion of the Minister are suitable to represent non-government bodies providing services to intellectually handicapped persons, and at least one of those members shall be a person who in the opinion of the Minister has knowledge of, and experience in, the provision and management of such services,

and not less than one of the four persons referred to in paragraphs (a) and (c) shall be, at the time of his appointment, a person who is, in the opinion of the Minister, a parent or relative of an intellectually handicapped person.

(3) One of the members appointed under subsection (1) (b) shall be appointed by the Minister to be deputy chairman.

(4) Appointment of a person as a member, temporary member or member of a committee does not of itself render the Public Service Act 1978, or any other Act applying to persons as officers of the

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Public Service of the State, applicable to that person, or affect or prejudice the application to him of those provisions if they applied to him at the time of his appointment.

6. The provisions of the Schedule shall have effect with respect to the constitution and proceedings of the Authority.

Constitution
and
proceedings.

7. A member and a member of a committee shall be paid out of the funds of the Authority such remuneration and travelling and other allowances as are determined in his case by the Minister on the recommendation of the Public Service Board.

Remunera-
tion and
expenses of
members.

8. A member, a member of a committee or any officer or employee of the Authority is not personally liable for any act done or omitted to be done in good faith by the Authority or by him acting as a member, member of a committee, officer or employee, unless the act was done by him or was omitted to be done by him maliciously or without reasonable cause.

Protection
of members.

9. (1) The Authority shall, as soon as is practicable after 1 July in each year, prepare and furnish to the Minister a report on its operations and proceedings for the year ending on the preceding 30 June.

Annual
report.

(2) The Minister shall as soon as is practicable after he has received—

(a) the report; and

(b) copies of the financial statements under section 28 as audited by the Auditor General and his report thereon,

cause them to be laid before each House of Parliament.

(3) For the purposes of subsection (1), the period from the commencement of this Act to the succeeding 30 June shall be deemed to be a full year.

PART III—FUNCTIONS AND POWERS OF AUTHORITY.

Functions of
Authority.

10. (1) The functions of the Authority are—
- (a) to develop policies for the provision of comprehensive, co-ordinated and integrated services for intellectually handicapped persons;
 - (b) to provide advice to the Minister on the funding of services for intellectually handicapped persons;
 - (c) to provide, and encourage and facilitate the provision of, services for intellectually handicapped persons;
 - (d) to establish local bodies representative of intellectually handicapped persons, their families, guardians and other interested persons to advise the Authority on such matters as the Authority may specify;
 - (e) to allocate funds as it thinks fit to bodies providing services for intellectually handicapped persons, and to ensure that the expenditure of such funds is accounted for by such organizations to the Authority;
 - (f) to promote the use by intellectually handicapped persons of services that are available to the public generally;
 - (g) in conjunction with bodies providing services for intellectually handicapped persons, to establish guidelines and standards for the provision of, and for the training of persons engaged in providing, those services;
 - (h) to investigate the effect of written laws on intellectually handicapped persons;
 - (i) to undertake and encourage research relating to any function of the Authority;

- (i) the provision of services for intellectually handicapped persons should be arranged and co-ordinated in such a way as to be adaptable to the unique needs and potential of each intellectually handicapped person;
- (j) where an intellectually handicapped person is in the care of the Authority, responsibility for his oversight, treatment and training should be clearly defined.

(3) For the purposes of subsections (1) (f), 2 (d) and (2) (f), a service is available to the public generally if there is no restriction on eligibility for the service other than need and the ability to pay or meet a means test.

Directions by
Minister.

11. (1) The Minister may give to the Authority, in writing, such directions, not inconsistent with this Act, as he thinks fit either—

- (a) generally as to a policy to be followed by the Authority; or
- (b) as to any particular act or proposed act of the Authority.

(2) The Authority shall in the performance of its functions give effect to any direction given to it by the Minister under subsection (1).

Powers of
Authority.

12. The Authority has power to do all things that are necessary or convenient to be done for, or in connection with, the performance of its functions.

Power to
make grants.

13. (1) Subject to this section, the Authority may—

- (a) make grants to any body or person towards the cost of establishing or maintaining non-government services for intellectually handicapped persons; and

- (b) give directions to any body or person to be complied with as a condition of the receipt of a grant under paragraph (a).

(2) The making of a grant under subsection (1) does not affect the status of the service as a non-government service.

(3) No grant shall be made under this section to any body or person unless the service for which the grant is proposed to be made is being conducted in accordance with any direction of the Authority under subsection (1) (b).

(4) In this section "services" means—

- (a) social, training, vocational, or employment-related services, or the provision of living accommodation, or a combination of any such services;
- (b) any other service that is prescribed.

14. Without limiting the generality of section 12, the Authority may, with the approval of the Minister—

Authority may fix certain fees and charges.

- (a) fix fees and charges for the care and maintenance of persons residing in any residential premises provided by the Authority; and
- (b) determine the persons or classes of persons who are liable for payment to the Authority of fees or charges so fixed in full or in part, or who may be exempted from such payment

15. There shall be created in the Authority, under the Public Service Act 1978, an office of Director, and the person appointed to that office shall in addition to performing the functions conferred on him by Part V, administer, subject to the control of the Authority, the day to day operations of the Authority.

Director.

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Other staff.

16. (1) There shall be appointed, under and subject to the Public Service Act 1978, such other officers as may be necessary to enable the Authority to perform its functions.

(2) The Authority may engage persons as wages staff otherwise than under the Public Service Act 1978, and persons so engaged shall, subject to any relevant industrial award or agreement, be employed on such terms and conditions as the Minister determines, after consultation with the Minister for Industrial Relations.

Consultants,
etc.

17. The Authority may, with the approval of the Minister, engage under contracts for services such consultants and persons to provide professional, technical or other assistance as it considers necessary to enable the Authority to perform its functions.

Superannuation.

18. (1) The Authority may request the Minister to whom the administration of the Superannuation and Family Benefits Act 1938 is committed to recommend to the Treasurer that the Authority be included as a corporate body in the term "department" for the purposes of that Act.

(2) The Treasurer may, if that Minister so recommends and on the Authority complying with the requirements of that Act, approve of the Authority as, and the Authority shall thereupon be deemed to be, a "department" for the purposes of that Act.

Delegation.

19. (1) The Authority may by resolution, either generally or as otherwise provided by the resolution, delegate to the Director, a member, a member of a committee, or a person on the staff of the Authority any of its functions under this Act other than this power of delegation.

(2) The performance of a function by a delegate under subsection (1) shall be deemed to be the performance of the function by the Authority.

20. (1) If an intellectually handicapped person dies or receives an injury, other than an injury of a trivial nature, while he is in premises—

Inquiry into death or injury.

- (a) being conducted by the Authority for the purpose of the assessment, or diagnosis of, or of providing care, treatment, training, employment or accommodation for, intellectually handicapped persons; or
- (b) licensed under section 36,

the person in charge of the premises, or where paragraph (b) applies the licensee, shall, subject to subsection (5), inquire into the cause of the death or injury and as soon as is practicable report the results of the inquiry to the Authority.

(2) On receipt of a report relating to premises referred to in subsection (1) (a), the Authority shall submit the report together with its comments thereon to the Minister, who shall take such action as he considers appropriate.

(3) On receipt of a report relating to premises referred to in subsection (1) (b), the Authority shall consider whether any action should be taken under section 39 and may give to the Director any direction in that respect which it thinks fit.

(4) The Director shall comply with any direction given to him under subsection (3).

(5) The Authority may by memorandum issued to its staff and to licensees, define injuries, or classes of injuries, that are of a trivial nature for the purposes of subsection (1), but no injury shall come within any such definition if the circumstances show that there are grounds for believing that the injury arose from a wilful act of any person, or a failure by any person to take or provide reasonable care.

PART IV—FINANCIAL PROVISIONS.

Funds of
Authority.

21. (1) The funds available to the Authority to enable it to perform its functions under this Act are—

- (a) moneys from time to time appropriated by Parliament for that purpose;
- (b) moneys received by the Authority by way of fees or charges;
- (c) moneys received by the Authority by way of gifts, bequests or other donations;
- (d) moneys borrowed by the Authority under this Act; and
- (e) moneys otherwise paid to or made available to the Authority.

(2) The funds referred to in subsection (1) shall be paid into and placed to the credit of an account—

- (a) at the Treasury; or
- (b) if the Treasurer so determines, at a bank approved by him,

to be called the “Authority for Intellectually Handicapped Persons Account”.

(3) All expenditure incurred by the Authority for the purposes of performing its functions under this Act, including the repayment of moneys borrowed by or advanced to the Authority in accordance with this Act, shall be paid from the Account and moneys standing to the credit of the Account shall be applied only for the purposes of this Act.

Investment
of funds.

22. The Authority may, with the approval of the Treasurer, temporarily invest any moneys standing to the credit of the Account in such manner and in such categories of investments as are approved by the Treasurer until those moneys are required for the purpose of the performance of the functions of the Authority under this Act.

23. (1) Subject to subsection (2), the Authority may, with the prior approval in writing of the Treasurer and on such terms and conditions as he approves, borrow money for the performance by the Authority of its functions under this Act.

General borrowing by Authority.

(2) Before the Treasurer may approve of the borrowing of money under subsection (1), a proposal in writing showing—

- (a) the terms and particulars of the proposed loan;
- (b) the rate of interest to be paid on that loan;
- (c) the purpose to which the money borrowed is to be applied; and
- (d) the manner in which the loan is to be repaid,

shall first be submitted by the Authority on the recommendation of the Minister to, and approved by, the Treasurer.

(3) Any moneys borrowed by the Authority under this section may be raised as one loan or as several loans and in such manner as the Treasurer may approve, but the amount of money so borrowed shall not in any one year exceed in the aggregate such amounts as the Treasurer approves.

(4) For the purpose of making provision to repay either the whole or any part of any loan raised under this section the Authority may, subject to this section, borrow the moneys necessary for that purpose before the loan or part of it becomes payable.

24. (1) In addition to the powers conferred on it by section 23, the Authority may borrow from the Treasurer such amounts as the Treasurer approves on such conditions relating to repayment and payment of interest as the Treasurer imposes.

Borrowing from Treasurer.

(2) By virtue of this subsection the Account and the assets of the Authority are charged with the due performance by the Authority of all obligations arising from any advance made under this section.

Guarantees
of borrow-
ings etc.

25. (1) The Treasurer is hereby authorized to guarantee—

- (a) the repayment of any amount borrowed from time to time under section 23; and
- (b) the payment of interest and such other charges in respect of such borrowings as he has approved.

(2) Before a guarantee is given by the Treasurer under this section, the Authority shall give to the Treasurer such security as the Treasurer may require and shall execute all such instruments as may be necessary for the purpose.

(3) The Treasurer shall cause any money required for fulfilling any guarantee given by him under this section to be paid out of the Consolidated Revenue Fund which, to the extent necessary, is hereby appropriated accordingly, and the Treasurer shall cause any amounts received or recovered from the Authority or otherwise in respect of moneys so paid by him to be paid into the Consolidated Revenue Fund.

Estimates.

26. (1) The Authority shall cause annual estimates of its receipts and payments relating to the performance of its functions under this Act to be—

- (a) prepared under such headings and in such manner as the Treasurer approves or directs; and
- (b) submitted to the Minister.

(2) The Minister shall, if he approves annual estimates submitted to him under subsection (1), cause those estimates to be submitted to the Treasurer not later than a date specified by the Treasurer.

27. The Authority shall—

Accounts
to be kept.

- (a) cause to be kept proper accounts and records of its transactions and affairs under such heads as the Treasurer may from time to time direct;
- (b) do all things necessary to ensure that—
 - (i) all payments by the Authority are correctly made and properly authorized; and
 - (ii) adequate control is maintained over the assets of, or in the custody of, the Authority and over the incurring of liabilities by it.

28. (1) The Authority shall cause to be prepared in respect of each financial year ending on 30 June financial statements comprising—

Financial
statements.

- (a) a statement of financial transactions of the Authority for the financial year;
- (b) a statement of the financial position of the Authority at the end of the financial year; and
- (c) such financial statements other than those referred to in paragraphs (a) and (b) as the Treasurer from time to time directs,

in such form as the Treasurer approves, and shall submit those financial statements to the Auditor General for audit.

(2) The financial statements referred to in subsection (1) shall—

- (a) present fairly the financial transactions of the Authority for the financial year to which they relate; and
- (b) present fairly the financial position of the Authority at the end of the financial year.

Audit.

29. (1) On receiving the financial statements submitted to him under section 28, the Auditor General shall examine and audit the accounts and records of the financial transactions of the Authority and shall—

- (a) forthwith draw the attention of the Minister to any irregularity disclosed by that audit that is in the opinion of the Auditor General, of sufficient importance to justify him so doing; and
- (b) report to the Minister on—
 - (i) whether or not in his opinion the financial statements are based on proper accounts and records;
 - (ii) whether or not in his opinion the financial statements are properly drawn up in accordance with the relevant generally accepted accounting standards so as to present fairly the financial transactions of the Authority for the period under review and the financial position at the end of that period;
 - (iii) whether or not in his opinion the controls exercised by the Authority are adequate to provide reasonable assurance that the receipt, expenditure and investment of moneys and the acquisition and disposal of assets have been in accordance with this Act; and

(4) In subsection (3) "relative" in relation to an intellectually handicapped person means—

- (a) a parent, step-parent, brother, sister, or grand-parent of that person;
- (b) a foster parent under the Child Welfare Act 1947 of that person; and
- (c) a person who is responsible for providing for the day to day needs of that person *in loco parentis*.

Transitional.

31. (1) Where a licence for any premises is in force under section 26Q of the Mental Health Act 1962 immediately before the commencement of this Act, section 30 (1) shall not apply to those premises until the expiration of that licence; and in the meantime Part IIIA of that Act shall continue to apply to those premises as if it had not been repealed and as if in that Part the terms "Minister" and "Director" had the meanings that they have under this Act.

(2) Where immediately before the commencement of this Act premises, other than those referred to in subsection (1), are being used for the provision to intellectually handicapped persons of any service to which section 30 (1) applies, those premises may continue to be so used, notwithstanding that section, for a period of 3 months after such commencement.

Minister may exempt.

32. (1) The Minister may, by notice published in the *Gazette*, declare that section 30 does not apply to any specified premises or class of premises used by a specified person or class of persons for the provision of specified services or class of services to intellectually handicapped persons; and may in like manner revoke any such declaration.

(2) An exemption under subsection (1) may be given so as to operate only so long as specified circumstances apply or any specified condition is complied with, and if those circumstances cease to apply or any such condition is not complied with the exemption ceases to operate.

(3) In this section "specified" means specified in a notice published under subsection (1).

33. (1) The Authority may give to the Director, in writing, such directions, not inconsistent with this Part, as it thinks fit either—

Director to be subject to direction by Authority.

(a) generally as to a policy to be followed by the Director; or

(b) as to any particular act or proposed act of the Director,

in the performance of his functions under this Part.

(2) The Director shall in the performance of his functions under this Part give effect to any direction given to him under subsection (1).

34. A natural person who has attained the age of 18 or a body corporate is eligible to apply for and obtain a licence.

Who may apply.

35. An application for a licence shall be made to the Director in the prescribed form and shall be accompanied by the prescribed fee.

Application.

36. (1) The Director shall grant to the applicant a licence applied for under section 35 if he is satisfied—

Grant of licence.

(a) that the proposed premises are suitable for the service proposed to be provided;

- (b) that the service and its objectives are appropriate for intellectually handicapped persons;
- (c) that the applicant is a fit and proper person to hold the licence or, in the case of a body corporate, that every officer of that body who is directly involved in the provision of the service to which the application relates is a fit and proper person to be so involved; and
- (d) that arrangements for the management, equipment and staffing of the premises are satisfactory.

(2) A licence may be granted subject to such conditions as the Director thinks fit.

(3) In subsection (1) "officer" in relation to a body corporate means every director, manager, secretary or other person, however designated, who is involved in the management of the body corporate.

Effect of
licence.

37. (1) A licence authorizes the licensee, subject to any condition imposed under section 36 (2), to use the premises specified in the licence for the provision to intellectually handicapped persons of the service or services so specified so long as those premises are under the effective supervision of the licensee.

(2) A licence is not transferable and shall not vest by operation of law in any other person.

(3) A licence shall, unless it is sooner cancelled in accordance with section 39, continue in force until the expiration of 12 months commencing with the date on which it is issued or the expiration of a shorter period specified in the licence.

(4) Nothing in this section limits the operation of section 111 of the Child Welfare Act 1947.

38. (1) A licence may be renewed by the Director upon application for renewal being made in the prescribed form and payment of the prescribed fee.

Renewal of licence.

(2) A licence which is suspended under section 39 may be renewed without affecting the continuance of the suspension.

39. (1) The Director may, by notice in writing served on the licensee, cancel a licence, or suspend a licence for such period as he thinks fit, if he is no longer satisfied as mentioned in section 36 or is of the opinion that the licensee has been guilty of any default or misconduct impairing the provision of the service to which the licence relates.

Cancellation and suspension of licence.

(2) Before cancelling or suspending a licence under this section the Director shall give written notification to the licensee of the grounds upon which he proposes to cancel or suspend the licence.

(3) A person so notified may, within 21 days of receipt of the notice, apply to the Authority for a review of the proposed cancellation or suspension.

(4) On an application under subsection (3) the Authority shall review the decision of the Director and shall either confirm the decision of the Director or give to the Director such directions as it thinks fit.

(5) The Director shall comply with any direction given to him under subsection (4).

(6) Except where he considers that the continuation of the licence would be contrary to the public interest the Director shall not cancel or suspend a licence unless the time allowed under subsection (3) has expired without an application being made under that subsection or the Authority, on a review under subsection (4), confirms the decision of the Director to cancel or suspend the licence.

(7) The Director may exercise the powers conferred by this section, notwithstanding that the licensee has not been convicted of an offence against section 30; and the exercise of the said powers does not preclude the taking of proceedings and the imposition of any punishment.

Director may authorize use of premises on suspension or cancellation of licence.

40. Where the Director has under section 39 suspended the operation of a licence, he may in writing authorize another person for such period as he thinks fit to use the premises for the provision of the service to which the licence relates as if the premises were licensed, and a person so authorized shall for the purposes of this Part be deemed to be the licensee according to the tenor of such authorization.

Officers of corporate licensees to be approved.

41. (1) No person shall, after the grant of a licence to a body corporate, be an officer of that body corporate who is directly involved in the provision of the service to which the licence relates unless he has been approved by the Director as being a fit and proper person to be so involved, and that approval continues in force.

Penalty: \$1 000 and a daily penalty of \$50.

(2) Subsection (1) does not apply to an officer until the expiration of 28 days after he becomes directly involved in the provision of the service.

(3) In this section "officer" has the meaning assigned to it by section 36 (3).

(4) The Director may revoke an approval of an officer under subsection (1) if he considers that the officer is no longer a fit and proper person for the purposes of that subsection.

42. (1) A licensee may surrender a licence at any time. Surrender of
licence etc.

(2) Where a licensee dies or becomes bankrupt or, in the opinion of the Director, incapable of providing the service to which the licence relates he shall be deemed to have surrendered the licence.

(3) Where subsection (1) or (2) applies the Director may in writing authorize another person, for a period not exceeding 3 months, to use the premises for the provision of the service to which the licence relates, and a person so authorized shall for the purposes of this Part be deemed to be the licensee according to the tenor of such authorization.

43. (1) Where the Director—

Review by
Authority.

- (a) refuses an application for a licence or the renewal of a licence;
- (b) grants a licence, or a renewal of a licence subject to any condition;
- (c) refuses to approve an officer under section 41, or revokes an approval under that section,

the applicant, or an officer to whom paragraph (c) applies, may apply to the Authority, within 21 days after the day on which he received notice of the Director's decision or within such further period as the Authority may allow, for a review of that decision.

(2) On an application under subsection (1) the Authority shall, after giving the parties an opportunity of being heard or making submissions, review the decision of the Director and shall either confirm the decision of the Director or give to him such directions as it thinks fit.

(3) The Director shall comply with any direction given to him under subsection (2).

(4) The Authority may seek and receive such further information as it thinks fit for the purposes of a review under subsection (2).

False
statements.

44. A person shall not, in connection with an application under this Part, make a statement or give any information which he knows is false in a material particular.

Penalty: \$1 000.

Inspectors.

45. (1) The Authority may appoint any officer or employee to be an inspector for the purposes of enforcing this Part and the regulations made for the purposes of this Part.

(2) Every inspector shall be furnished with a certificate of his appointment which in any proceedings shall be *prima facie* evidence of his appointment, and, on entering any premises in the course of duty, he shall, if required by the person in charge of the premises, produce the certificate to him.

(3) An inspector may—

- (a) at all reasonable hours by day or by night, enter any premises that are licensed under section 36 or that he has cause to believe are being used in breach of section 30, and may inspect those premises and any equipment or thing therein and may make such inquiry as he thinks necessary to ascertain whether or not the provisions of this Part apply or have been or are being complied with;
- (b) in making any such inspection, call to his aid any police officer to assist him in the execution of his duty or where he has reasonable cause to expect any obstruction in the execution of his duty;

(2) Except where he considers that the welfare of any intellectually handicapped person is subject to immediate risk, the Director shall not exercise the power conferred by subsection (1) in respect of any premises until he has given to the person apparently in charge of the premises 7 days' notice in writing of his intention to do so.

PART VI—GENERAL.

Execution of
documents
by Authority.

47. (1) A document is duly executed by the Authority, if—

(a) the common seal of the Authority is affixed to it in accordance with subsections (2) and (3); or

(b) it is signed on behalf of the Authority by the member or members or officer or officers of the Authority authorized by the Authority to do so.

(2) The common seal of the Authority shall not be affixed to any document except by resolution of the Authority.

(3) The common seal of the Authority shall be affixed to a document in the presence of the chairman or deputy chairman and one other member and each of them shall sign the document to attest that that common seal was so affixed.

(4) A document purporting to be executed in accordance with this section shall be presumed to be duly executed until the contrary is shown.

(5) When a document is produced bearing a seal purporting to be the common seal of the Authority, it shall be presumed that that seal is the common seal of the Authority until the contrary is shown.

- (b) provide for the safety, health and welfare of intellectually handicapped persons in and attenders at such premises and, in particular but without limiting the generality of the foregoing, may so provide by—
- (i) prescribing the manner in which the conduct of such premises is to be supervised;
 - (ii) requiring persons involved in the conduct of such premises to be approved by the Director and to undergo prescribed courses of training;
 - (iii) prescribing minimum nutritional standards for food supplied to intellectually handicapped persons in such premises; and
 - (iv) prescribing, in relation to an intellectually handicapped person who resides in premises of a kind specified in the regulations and who is in receipt of pension payable under laws of the Commonwealth, the minimum proportion of such pension that is to be paid or remitted to the person for his own use; and
- (c) prescribe returns and particulars to be furnished to the Authority, and the records to be kept, by the licensee of such premises.

Review of
Act.

49. (1) The Minister shall carry out a review of the operation and effectiveness of this Act not later than 5 years after its commencement, and in the course of that review the Minister shall consider and have regard to—

- (a) the effectiveness of the operations of the Authority;

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Temporary members.

3. (1) Where a member is unable to act by reason of sickness, absence or other cause the Minister may appoint another person to act temporarily in his place, and while so acting according to the tenor of his appointment that other person is deemed to be a member of the Authority.

(2) No act or omission of a temporary member shall be questioned on the ground that the occasion for his appointment or acting had not arisen or had ceased.

(3) The appointment of a person as a temporary member may be terminated at any time by the Minister.

Deputy chairman.

4. (1) The office of deputy chairman becomes vacant if—
(a) the person holding the office resigns the office by notice in writing to the Minister;
(b) the person holding the office ceases to be a member of the Authority; or
(c) the Minister declares the office to be vacant.

(2) During any vacancy in the office of chairman or if he is unable to act by reason of sickness, absence or other cause, the deputy chairman shall perform the functions of the chairman.

(3) No act or omission of the deputy chairman acting as the chairman shall be questioned on the ground that the occasion for his so acting had not arisen or had ceased.

Meetings.

5. (1) The first meeting of the Authority shall be convened by the chairman and thereafter, subject to subclause (2), meetings shall be held at such times and places as the Authority determines.

(2) A special meeting of the Authority may at any time be convened by the chairman.

(3) The chairman shall preside at all meetings of the Authority at which he is present.

(4) If both the chairman and the deputy chairman are absent from a meeting the members present shall appoint one of their number to preside.

(5) A quorum for a meeting of the Authority is 4 members.

(6) At any meeting of the Authority the chairman, deputy chairman or other person presiding shall have a deliberative vote, and in the case of an equality of votes shall also have a casting vote.

(7) The Authority shall cause accurate minutes to be kept of the proceedings at its meetings.

6. (1) The Authority may from time to time appoint committees of such members, or such members and other persons, as it thinks fit and may discharge or alter any committee so appointed.

Committees.

(2) Subject to the directions of the Authority and to the terms of any delegation under section 19, each committee may determine its own procedures.

7. A resolution in writing signed or assented to by letter, telegram or telex by each member shall be as valid and effectual as if it had been passed at a meeting of the Authority.

Resolution
may be
passed
without
meeting.

8. The Authority may grant leave of absence to a member on such terms and conditions as the Authority thinks fit.

Leave of
absence.

9. Subject to this Act, the Authority shall determine its own procedures.

Authority to
determine
own
procedures.
