

ANIMAL RESOURCES AUTHORITY ACT 1981. (No. 53 of 1981)

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ANIMAL RESOURCES AUTHORITY.

No. 53 of 1981

AN ACT to establish and incorporate an Authority to supply laboratory animals for teaching, research, and diagnostic purposes, and for incidental and other purposes.

[Assented to 25 September 1981.]

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 *Animal Resources Authority Act 1981*. Short title.

2. The provisions of this Act shall come into operation on such day or days as is or are respectively fixed by proclamation. Commence-
ment.

Interpre-
tation.

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

“Authority” means the Animal Resources Authority established by section 4;

“chairman” and “deputy chairman” mean respectively the chairman and deputy chairman of the Authority;

“committee” means a committee appointed under clause 6 of the Schedule to this Act;

“financial year” means the year ending on each 30th day of June;

“laboratory animal” means an animal used for teaching, research, or diagnostic purposes or for any purpose incidental thereto;

“member” and “temporary member” mean respectively a member and a temporary member of the Authority;

“section” means a section of this Act;

“subsection” means a subsection of the section in which the reference occurs.

PART II—ANIMAL RESOURCES AUTHORITY.

Animal
Resources
Authority
established
as a body
corporate
and Crown
agency.

4. (1) There is hereby established an Authority to be called the Animal Resources Authority.

(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.

5. (1) The Authority shall consist of 8 members who shall be nominated under subsection (2) and appointed by the Governor.

Composition
of Authority.

(2) For the purposes of subsection (1)—

(a) the Minister shall nominate 4 persons for appointment; and

(b) the governing authority of each of the following bodies shall nominate for appointment the number of persons specified in this paragraph for that body—

(i) The University of Western Australia—2 persons;

(ii) Murdoch University—1 person;

(iii) the Western Australian Institute of Technology—1 person.

(3) Appointment 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 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 to this Act 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.

Remuneration
and
expenses of
members.

Protection
of members.

8. A member, temporary member or member of a committee 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, temporary member or member of a committee.

PART III.—FUNCTIONS AND POWERS OF
AUTHORITY.

Functions
of Authority.

9. The functions of the Authority are—

- (a) to breed and rear laboratory animals, and to acquire specialised laboratory animals, of a high quality and free of disease, which are required by institutions and bodies for teaching, research, or diagnostic purposes or for any purpose incidental thereto;
- (b) to supply such laboratory animals and tissue of such laboratory animals to those institutions and bodies for payment;
- (c) to establish and maintain—
 - (i) premises, equipment, and facilities; and
 - (ii) a breeding stock of laboratory animals,for the purposes mentioned in paragraph (a) of this section;
- (d) to provide advice to the institutions and bodies mentioned in paragraph (a) of this section as to the housing, feeding, and care of, and the prevention of disease in, laboratory animals;
- (e) to undertake and promote any research calculated to further the purposes described in paragraph (a) of this section.

10. The Authority shall have such powers as are reasonably necessary or expedient for the purpose of enabling it to carry out its functions and in particular—

Powers of Authority.

- (a) may—
 - (i) acquire, improve, and dispose of real and personal property;
 - (ii) enter into, assign, or accept the assignment of any contract, for that purpose;
- (b) after consultation with the governing bodies of the institutions mentioned in section 5 (2) (b) and with the approval of the Minister, may fix such charges as it thinks appropriate to be paid for the supply of laboratory animals;
- (c) may collaborate with, or engage the services of, any organization or individual, whether in this State or elsewhere, in performing and exercising its functions, powers and duties.

11. (1) The Authority may, either generally or as otherwise provided by the instrument of delegation, in writing delegate to a person appointed under section 12 (1) (a), or to a committee, any of its powers or duties under this Act, other than this power of delegation.

Delegation.

(2) For the purposes of this Act, the exercise of a power or the performance of a duty by a person to whom or a committee to which it has been delegated under this section shall be deemed to be the exercise of the power or the performance of the duty by the Authority.

(3) A delegation under this section may—

- (a) be made subject to such conditions, qualifications and exceptions as are set out in the instrument of delegation; and

(b) be revoked or varied by instrument in writing signed by the Authority.

(4) The Authority may exercise a power or perform a duty notwithstanding that it has delegated its exercise or performance under this section.

Appointment
of staff of
the
Authority.

12. (1) Subject to subsection (4), the Authority may appoint—

(a) a person, under such title as it thinks fit, to be the chief executive officer of the Authority; and

(b) such other persons as it thinks necessary to be officers or employees of the Authority.

(2) Subject to any relevant award or industrial agreement, the terms and conditions of service of the chief executive officer and the other officers and employees of the Authority (including their remuneration) shall be as determined by the Public Service Board.

(3) Subject to subsection (4), the Authority may, by arrangement with the governing authority of an institution mentioned in section 5 (2) (b) and upon such terms and conditions as may be agreed, make use, either full-time or part-time, of the services of any member of the staff or employee of that institution in any capacity mentioned in subsection (1) (a) or (b).

(4) The Authority shall not exercise any power conferred on it by subsection (1) or (3) except with the approval of the Minister on the recommendation of the Public Service Board.

Position
where
public
service
officer
seconded.

13. Where the person appointed under section 12 (1) (a) as the chief executive officer of the Authority or any other officer or servant of the

Authority, immediately prior to his appointment as such, occupied an office under the Public Service Act 1978, he shall—

- (a) if he resigns his office or employment or if his term of office or employment expires by effluxion of time, other than by his attaining the age of 65 years, and he is not reappointed, be entitled to be appointed to an office under that Act not lower in status than the office which he occupied immediately prior to his appointment as the chief executive officer or other officer or servant of the Authority; and
- (b) continue to retain his existing and accruing rights, including his rights under the Superannuation and Family Benefits Act 1938 as if his service as the chief executive officer or other officer or servant of the Authority were service as an officer under the Public Service Act 1978.

14. (1) The Authority may request the Minister to whom the administration of the Superannuation and Family Benefits Act 1938 is committed to recommend that the Authority be included as a corporate body in the term “department” for the purposes of that Act, and the Treasurer may, on such recommendation and upon 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.

Super-
annuation.

(2) Neither a person appointed under section 12 (1) (a) nor any other officer or servant of the Authority is obliged to become a contributor under the Superannuation and Family Benefits Act 1938.

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

Directions
by Minister.

- (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 and exercise of its functions, powers and duties give effect to any written directions given to it by the Minister under subsection (1).

PART IV—FINANCIAL PROVISIONS.

Basis on which financial affairs to be managed.

16. (1) The Authority shall so conduct its affairs as to ensure that its revenues are not less than sufficient to meet all sums properly chargeable to revenue account, taking one year with another, including in particular among such sums proper provision for the depreciation of assets.

(2) The Authority may establish and operate in its books such provisions, reserve accounts and reserve funds as the Treasurer may approve, and shall do so in accordance with any limitations or restrictions he may impose.

(3) Any profit resulting in any financial year from the activities of the Authority under this Act may be employed by it in carrying out its functions under this Act.

Funds and property of Authority.

17. The funds and property of the Authority comprise—

- (a) money appropriated by Parliament for the purposes of the Authority;
- (b) money contributed to the Authority by—
 - (i) The University of Western Australia;
 - (ii) Murdoch University;
 - (iii) the Western Australian Institute of Technology;
- (c) money and property derived or acquired by the Authority in the course of carrying out its functions under section 9;

- (d) money borrowed by the Authority under this Act;
- (e) money and property representing gifts, bequests or other contributions to the Authority;
- (f) the proceeds of the investment of any funds or property of the Authority;
- (g) all other money and property lawfully received or held by the Authority for the purposes of this Act.

18. The Authority shall have an account at a bank approved by the Treasurer (to be called the Animal Resources Authority Account) and—

Bank account.

- (a) the moneys referred to in section 17 shall be paid into and placed to the credit of, and
- (b) all expenditure of the Authority shall be paid from,

that account.

19. Moneys standing to the credit of the Authority may, until required for the purpose of carrying out its functions under this Act, be temporarily invested as the Treasurer may direct in any securities in which money represented in the Public Account may lawfully be invested, and all interest derived therefrom shall be paid to the Authority.

Investment of funds.

20. The Authority shall—

- (a) cause to be kept proper books of account and records of its transactions and affairs in accordance with generally accepted accounting principles;
- (b) ensure that all payments out of its moneys are correctly made and properly authorized; and

Keeping of accounts and control of payments etc.

- (c) maintain adequate control over its assets, and assets in its custody, and over the incurring of liabilities by it.

Audit.

21. The Auditor General shall audit the accounts of the Authority and for that purpose he may exercise all such powers as he has under the Audit Act 1904 in respect of public moneys.

Annual estimates.

22. The Authority shall before the commencement of each financial year cause estimates of the revenue and expenditure of the Authority for that year to be prepared and submitted for approval by the Minister.

Annual report and financial statements.

23. (1) The Authority shall, as soon as is practicable after the end of each financial year, furnish to the Minister a report of its activities during the preceding financial year together with financial statements for that year in such form as the Treasurer approves.

(2) The Minister shall lay the report and the copy of the accounts so furnished together with the Auditor General's report under subsection (3) before each House of Parliament within 15 sitting days of that House after he receives them.

(3) Before furnishing the financial statements to the Minister, the Authority shall submit them to the Auditor General who shall report to the Minister—

- (a) whether the statements are based on proper accounts and records;
- (b) whether the statements are in agreement with the accounts and records and show a true and fair view of the financial position and transactions of the Authority;

- (c) whether the receipt, expenditure and investment of moneys and other transactions of the Authority during the year to which the financial statements relate have been in accordance with this Act.

24. (1) The Authority may borrow money upon the guarantee of the Treasurer for the purpose of carrying out its functions under this Act, but only—

Power to borrow money.

- (a) with the prior approval in writing of the Treasurer; and
- (b) on such terms and conditions as he may approve.

(2) Subject to any terms and conditions imposed by the Treasurer, any money borrowed by the Authority may be raised as one loan or as several loans.

25. (1) The Treasurer is hereby authorized to give an approval mentioned in section 24 (1) and the guarantee referred to therein, including the guarantee of interest, on behalf of the Crown in right of the State.

Guarantee by Treasurer.

(2) Before a guarantee is given under subsection (1) the Authority shall give to the Treasurer such security as he may require, and shall execute all such instruments as may be necessary for that purpose.

(3) The due payment of money payable by the Treasurer under a guarantee given by him under this section—

- (a) is hereby guaranteed by the State; and
- (b) shall be paid out of “public moneys” as defined in section 4 of the Audit Act 1904 without any further appropriation than this subsection.

(4) The funds and assets of the Authority are hereby charged with—

- (a) repayment of any sum paid by the Treasurer under subsection (3); and
- (b) payment of any sum required to be paid by the Authority pursuant to any term or condition imposed by the Treasurer under section 24 (1).

PART V.—MISCELLANEOUS.

Execution of documents.

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

- (a) it is sealed with the seal of the Authority 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 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 shall be affixed to a document in the presence of the chairman or the deputy chairman and one other member and each shall sign the document to attest that the 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.

Proceedings not affected by irregularities.

27. An act, decision, or proceeding of the Authority shall not be invalid or called in question by reason of—

- (a) any vacancy in its membership or in the membership of a committee; or

- (b) any defect or irregularity in the appointment of a member or temporary member or member of a committee, or to the office of chairman or deputy chairman.

SCHEDULE. (Section 6)

PROVISIONS AS TO CONSTITUTION AND PROCEEDINGS OF THE AUTHORITY.

1. (1) Except as otherwise provided by this Act, a member shall hold office for such term, not exceeding 3 years, as is specified in his instrument of appointment, but may from time to time be re-appointed. Term of office.
- (2) A member, unless he sooner resigns or is removed from office, shall continue in office until his successor comes into office, notwithstanding that the term for which he was appointed may have expired.
2. (1) A member may resign his office by notice in writing delivered to the Minister. Extraordinary vacancies.
- (2) A member may be removed from office at any time by the Governor—
- (a) for mental or physical disability, incompetence, neglect of duty or misconduct proved to the satisfaction of the Governor;
 - (b) if he is an undischarged bankrupt or a person whose property is subject to an order or arrangement under the laws relating to bankruptcy; or
 - (c) if he is absent without leave of the Authority from 3 consecutive meetings of the Authority of which he has had notice.
- (3) If a member dies or resigns or is removed from office the vacancy shall be deemed to be an extraordinary vacancy.
- (4) In the case of an extraordinary vacancy in any office, the Governor may appoint a person to be a member for the residue of the term of the former holder of that office, and shall do so on the nomination of the same person or body as nominated such former holder of the office.
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. Temporary members.

(2) An appointment of a temporary member under subclause (1) of this clause shall be made on the nomination of the same person or body as nominated the member whose inability to act gives rise to the appointment.

(3) 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.

Chairman
and deputy
chairman.

4. (1) The Governor shall appoint a member of the Authority to be the chairman and another member to be deputy chairman of the Authority.

(2) The office of chairman or 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.

(3) 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 have and perform the powers, functions and duties of the chairman.

(4) 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) of this clause, 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 the chairman is absent from a meeting—

(a) the deputy chairman shall preside if he is present; or

(b) the members present shall appoint one of their number to preside if the deputy chairman is not present.

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

(6) At any meeting of the Authority the 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.

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, alter, continue or reconstitute any committee so appointed. Committees.

(2) Subject to the directions of the Authority and to the terms of any delegation under section 11, each committee may determine its own procedures.

7. A resolution in writing signed or assented to by letter or telegram by each member (which includes a temporary member acting for a 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.
