



Western Australia

## **Queen Elizabeth II Medical Centre Act 1966**

Compare between:

[28 Jun 2010, 04-c0-01] and [30 Aug 2010, 04-d0-01]



## Queen Elizabeth II Medical Centre Act 1966

**An Act to enable a medical centre to be established at Hollywood by reserving certain lands therefor and constituting a body corporate for the development, management and control of those lands and for incidental and other purposes.**

**1. Short title**

This Act may be cited as the *Queen Elizabeth II Medical Centre Act 1966*<sup>1</sup>.

*[Section 1 amended by No. 6 of 1977 s. 1.]*

**2. Commencement**

This Act shall come into operation on a date to be fixed by proclamation<sup>1</sup>.

**3. Terms used**

(1) In this Act, unless the contrary intention appears —

***medical centre*** includes the aggregate of any medical school, hospital and other place whatsoever built on the reserve wherein any form of diagnostic, therapeutic or rehabilitative treatment of patients is performed or given or medical education and research carried out and all clinics, dispensaries, outpatient departments, services, offices and undertakings maintained on the reserve in connection with or incidental to any such medical school, hospital or place;

***medical education*** includes the instruction of medical and dental students, nurses and students of any services ancillary to medical or dental treatment;

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**member** means member of the Trust;

**Schedule** means the Schedule to this Act;

**the reserve** means the land reserved to Her Majesty pursuant to section 6 as The Queen Elizabeth II Medical Centre Reserve;

**the Senate** means the Senate constituted pursuant to the *University of Western Australia Act 1911*;

**the Trust** means the body corporate constituted under this Act as The Queen Elizabeth II Medical Centre Trust.

- (1a) For the purposes of this Act the term **medical centre** in subsection (1) is deemed to include such facilities as are, in the opinion of the Trust, necessary and convenient for the purposes of enabling a coroner under the *Coroners Act 1996* to exercise the jurisdiction of a coroner under that Act.
- (2) A reference to the Perth Medical Centre reserve, whether by use of that name or a similar or abbreviated form of that name, in any Act, regulation, rule, by-law, proclamation, Order in Council, instrument, contract, or document shall, unless the context is such that it would be incorrect or inappropriate to do so, be read and construed as a reference to The Queen Elizabeth II Medical Centre Reserve.
- (3) A reference to the Perth Medical Centre Trust, whether by use of that name or a similar or abbreviated form of that name, in any Act, regulation, rule, by-law, proclamation, Order in Council, instrument, contract, or document shall, unless the context is such that it would be incorrect or inappropriate to do so, be read and construed, as a reference to The Queen Elizabeth II Medical Centre Trust.

*[Section 3 amended by No. 6 of 1977 s. 3; No. 31 of 1991 s. 3; No. 2 of 1996 s. 61.]*

**4. Vesting of land**

- (1) On the coming into operation of this Act <sup>1</sup>, the land described in Part I of the Schedule is hereby —

- (a) revested in Her Majesty as of Her former estate; and
  - (b) removed from the operation of the *Transfer of Land Act 1893*.
- (2)(a) The Governor may, on the recommendation of the Trust and the Senate, by Order in Council published in the *Gazette*, revest in Her Majesty, as of Her former estate, the land described in Part II of the Schedule.
- (b) On the publication of the Order in Council in the *Gazette*, the land shall thereupon be removed from the operation of the *Transfer of Land Act 1893*.

**5. Excision of certain land for drainage or road purposes**

The Governor may by Order in Council published in the *Gazette*, excise from the land described in Part I of the Schedule an area not exceeding 3 hectares and may deal with, and dispose of, the land so excised for the purpose of drainage or roads, or both drainage and roads.

*[Section 5 amended by No. 2 of 1976 s. 2.]*

**6. Creation of reserve**

- (1) The land described in Part I of the Schedule, less so much of it as may be excised pursuant to section 5, is hereby reserved for the purpose of establishing and maintaining thereon a medical centre and is classified as of Class “A” and shall be known as The Queen Elizabeth II Medical Centre Reserve.
- (2) The land described in Part II of the Schedule shall, if and when revested pursuant to section 4(2), be included in, and form part of, the reserve created under subsection (1).
- (3) Subject to this section, the land reserved pursuant to this section shall forever remain dedicated to the purpose for which it was so reserved, until by an Act it is otherwise enacted.

*[Section 6 amended by No. 6 of 1977 s. 4.]*

**7. Constitution of The Queen Elizabeth II Medical Centre Trust**

- (1) For the purposes of this Act there shall be a body constituted as provided in this section.
- (2) The body corporate hitherto constituted under this Act by the name “Perth Medical Centre Trust” is preserved and continues in existence as a body corporate under and subject to the provisions of this Act by the name “The Queen Elizabeth II Medical Centre Trust”, but so that the corporate identity of the body corporate and its rights and obligations are not affected.
- (3) The Trust shall consist of 5 members of whom —
  - (a) one shall be a person appointed by the Governor on the written nomination of the Minister and the Senate, to hold office during the Governor’s pleasure;
  - (b) 2 shall be persons appointed by the Governor on the written nomination of the Minister, to hold office during the Governor’s pleasure; and
  - (c) 2 shall be persons appointed by the Senate, to hold office during its pleasure.
- (4)(a) The member appointed pursuant to subsection (3)(a) shall be the chairman of the Trust and another member shall be appointed vice chairman thereof by the members from time to time.
- (b) The vice chairman shall hold the office of vice chairman, subject to subsection (3), for a period of 2 years.
- (5) The Trust —
  - (a) is a body corporate, with perpetual succession;
  - (b) shall have a common seal;
  - (c) is capable, subject to section 13, of acquiring, holding and disposing of real and personal property and of suing and being sued in its corporate name.

- (6) All courts, judges and persons acting judicially shall take judicial notice of the seal of the Trust affixed to a document and shall presume that it was duly affixed.

*[Section 7 amended by No. 6 of 1977 s. 5; No. 59 of 1985 s. 3.]*

**8. Quorum**

- (1) Four members shall constitute a quorum for the transaction of the business of any meeting of the Trust.
- (2) The Trust may function notwithstanding any vacancy in its membership, so long as a quorum remains.

**9. Vacancies**

- (1) When a vacancy occurs in the office of member, the vacancy shall be filled by the appointment of a person to be a member, who shall be appointed in the same manner as the member in whose place he is appointed.
- (2) Where a member is absent on extended leave of more than one month, if the member was appointed by —
- (a) the Governor, he may appoint, on receipt of a similar written nomination as is required under section 7(3) in the case of the appointment of the member, a deputy to act in the place of that member during his absence on leave; or
  - (b) the Senate, it may appoint a deputy to act during the absence on leave of the member.
- (3) Any deputy of a member while acting as such has all the powers and shall perform all the duties of the member for whom he is acting as deputy.

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**10. Meetings of Trust**

- (1) The chairman of the Trust or if, for any reason, the chairman is unable to act, the vice chairman —
  - (a) shall convene such meetings of the Trust as he considers necessary for the efficient conduct of its business; and
  - (b) shall, on receipt of a written request by not less than 2 members, convene a meeting of the Trust.
- (2) The chairman of the Trust shall preside at all meetings of the Trust at which he is present.
- (3) In the event of the absence of the chairman from a meeting of the Trust, the vice chairman shall preside at that meeting.
- (4) All questions arising at a meeting of the Trust shall be decided by a majority of the votes of the members present and voting, and for this purpose the member presiding at the meeting has a deliberative vote.
- (5) In the event of an equality of votes on a resolution proposed at a meeting of the Trust, the member presiding at that meeting has a casting vote as well as a deliberative vote.
- (6) Subject to this Act, the Trust shall regulate its own procedure.

**11. Use of common seal**

The common seal of the Trust shall not be affixed to any document except at a meeting of the Trust and the execution of any document so sealed shall be attested by 2 members.

**12. Delegation**

- (1) The Trust may, either generally or in relation to a matter or class of matters, by writing under its seal, delegate to a committee of members or a committee of members and other persons, any of its powers under this Act, except this power of delegation.



- (2) A power so delegated may be exercised by the delegate in accordance with the instrument of delegation.
- (3) A delegation under this section is revocable at will and no delegation prevents the exercise of any power by the Trust.

*[Section 12 amended by No. 72 of 1973 s. 2.]*

### **13. Functions of the Trust**

- (1) Subject to this section, the functions of the Trust are to undertake the development, control and management of the reserve before and after the establishment thereon of a medical centre.
- (2) Subject to this section, the Trust has power to do all things necessary or convenient to be done for or in connection with, or incidental to, the performance of its functions and the exercise of its powers under this Act.
- (2a) The Trust may by instrument published in the *Gazette* set aside, without the consent of the Governor but with the approval of the Minister, land being the whole or any part of the reserve (in this section called *the site*) for such purposes incidental to the medical centre as it thinks fit and, subject to this section, delegate in respect of the site to any person specified in that instrument (in this section called *the delegate*) all or any of its powers under this Act, other than —
  - (a) this power of delegation;
  - (b) the power to borrow money conferred on the Trust by subsection (3); and
  - (c) the power to lease, mortgage, charge or otherwise deal with any land forming part of the reserve conferred on the Trust by subsection (6).
- (2b) The Trust shall not without the prior consent of the person concerned make a delegation under subsection (2a) to that person or amend such a delegation.

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- (2c) Every instrument made under subsection (2a) and every instrument amending or revoking the delegation concerned shall come into operation on the day specified therein, not being a day prior to the day on which that instrument is published in the *Gazette*.
- (2d) Notwithstanding that the Trust has, under subsection (2a), delegated any powers referred to in that subsection in respect of the site, the Trust may give directions with respect to any development of the site which the delegate proposes to undertake in the exercise of any power delegated under that subsection, and the delegate shall give effect to any such direction.
- (2e) Whilst a setting aside and delegation under subsection (2a) are in force, the delegate —
- (a) shall for the purposes for which the site was set aside have all the powers delegated to the delegate under that subsection in respect of the site as if those powers had been conferred on the delegate by this Act; and
  - (b) if the delegate has power under another Act to make regulations or by-laws, may with the approval of the Governor given on the recommendation of the Trust make regulations or by-laws, as the case requires, under this subsection in respect of the site for all or any of the purposes for which the Trust may under section 20 make by-laws, including prescribing a fee for the use of the site for the purpose specified in the relevant instrument of delegation, as if references in that section to the Trust were references to the delegate, and section 20 shall apply to regulations or by-laws made under this subsection as if those regulations or by-laws were by-laws made under that section.
- (2f) The delegate may require any person using the site to pay to the delegate a fee for any service provided on or in respect of the

site by the delegate under any power delegated under subsection (2a).

- (2g) The delegate shall pay any moneys —
- (a) derived from the development, control and management of any land in respect of which the delegate exercises powers delegated under subsection (2a), including any moneys received in respect of penalties or modified penalties;
  - (b) received by way of fees paid —
    - (i) under regulations or by-laws made under subsection (2e)(b); or
    - (ii) in compliance with a requirement made under subsection (2f);
  - (c) granted or lent to the delegate under subsection (2k);
  - (d) if the delegate is the board of the Sir Charles Gairdner Hospital, deemed to have been paid lawfully to or received lawfully by that board by virtue of section 9(1) of the *Queen Elizabeth II Medical Centre Amendment Act 1985*<sup>2</sup> and not applied within the meaning of section 9(2)(b) of that Act; or
  - (e) other than moneys referred to in paragraphs (a), (b), (c) or (d), lawfully received by, made available to or payable to the delegate,

into an account opened and maintained by the delegate in the name of the delegate followed by “(as delegate of The Queen Elizabeth II Medical Centre Trust)” at a bank approved by the Treasurer, and may invest temporarily any moneys standing to the credit of that account in such manner and in such categories of investment as are approved by the Treasurer until those moneys are required for use in accordance with subsection (2h).

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- (2h) The delegate may use any moneys in the account maintained under subsection (2g), including interest derived from the investment of moneys under that subsection —
- (a) for the development, control and management of the site for any purpose for which the site was set aside;
  - (b) in the exercise of any power delegated to it under subsection (2a); or
  - (c) for the repayment of any moneys lent to the delegate under subsection (2k) and for the payment of any interest or charges payable in respect of that lending.
- (2i) The delegate shall as soon as possible after 30 June in each year furnish to the Trust —
- (a) a report relating to the exercise during the year ended on that date by the delegate of the powers delegated to or conferred on the delegate by the Trust or by this section, as the case requires; and
  - (b) such accounts, duly audited, as the Trust requires.
- (2j) For the purposes of subsections (2a) to (2h), a reference to a purpose shall be construed as including anything that is incidental to that purpose.
- (2k) The Trust may for the purpose of enabling the exercise of any power delegated under subsection (2a) make a grant of, or lend, moneys to the delegate on such terms and conditions as it thinks fit.
- (2l) On the revocation of a delegation made under subsection (2a) —
- (a) all personal property and every right or interest therein that immediately before that revocation was vested in the person to whom that delegation was made (in this subsection called *the former delegate*) in his capacity as the former delegate shall without any transfer or assignment pass to and become vested in the Trust;

- (b) all rights, liabilities and obligations of the former delegate in his capacity as the former delegate that were in existence immediately before that revocation shall devolve on the Trust;
  - (c) all contracts, agreements and undertakings made by and with the former delegate in his capacity as the former delegate and having effect immediately before that revocation shall have effect as contracts, agreements and undertakings made by and with the Trust and may be enforced by or against the Trust accordingly;
  - (d) any legal or other proceedings or any remedies that might, but for that revocation, have been commenced or continued or available by or against or to the former delegate in his capacity as the former delegate may be commenced or continued, or shall be available, by or against or to the Trust, as the case requires; and
  - (e) a reference to the former delegate in his capacity as the former delegate in —
    - (i) a written law in force; or
    - (ii) a document in existence,immediately before that revocation shall for the purposes of this subsection be construed as a reference to the Trust.
- (2m) The funds available for the purpose of enabling the Trust to perform its functions under this Act consist of —
- (a) all moneys received by the Trust from performing those functions;
  - (b) all moneys borrowed by the Trust under subsection (3);
  - (c) the sums and funds referred to in subsection (5);
  - (d) the proceeds, and the income from any investment of the proceeds, referred to in subsection (7);
  - (e) any rents derived from land leased by the Trust; and

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- (f) any other moneys lawfully received by, made available to or payable to the Trust.
- (2n) The funds referred to in subsection (2m) shall be paid into and placed to the credit of an account at a bank approved by the Treasurer to be known as the Queen Elizabeth II Medical Centre Trust Account.
- (2o) There shall be paid from the moneys from time to time in the account referred to in subsection (2n) —
  - (a) interest on and repayments of money borrowed by the Trust under subsection (3);
  - (b) grants or loans of moneys made under subsection (2k); and
  - (c) all other expenditure lawfully incurred by the Trust in the performance of its functions under this Act.
- (3)(a) The Trust is empowered with the approval of the Governor to borrow money on such terms and conditions as the Treasurer approves for the purposes of giving effect to this Act.
- (b) The Treasurer on behalf of the State is authorised to guarantee, on such terms and conditions as he thinks fit, repayment of any money borrowed by the Trust under this subsection and the payment of interest thereon.
- (4) The Treasurer shall cause any money required for fulfilling any guarantee given by him pursuant to this section, to be charged to the Consolidated Account which is hereby to the necessary extent appropriated accordingly, and the Treasurer shall cause any sums received or recovered by him from the Trust or otherwise in respect of a sum so charged by the Treasurer to be credited to the Consolidated Account.
- (5) The Trust is empowered to employ in developing, controlling and managing the reserve any sums provided for those purposes by Parliament and any funds arising from profits, fees, penalties

or otherwise, coming to the hands of the Trust in the course of developing, controlling and managing the reserve.

- (6) Subject to subsection (2a), the Trust shall not sell or, without the consent of the Governor, lease, mortgage, charge or otherwise deal with any land forming part of the reserve, but may, with such consent, from time to time, lease for a term not exceeding 99 years, mortgage, charge or grant easements over or under, any part of the reserve.
- (7) The Trust —
  - (a) may accept any gift, devise or bequest of any property and may, subject to any trusts relating thereto apply the proceeds of the property in such manner as the Trust thinks fit in or towards the improvement of the medical centre or the extension of the objects for which it is established; or
  - (b) may invest the proceeds as trust funds may be invested under Part III of the *Trustees Act 1962*, and the income of the investments shall be appropriated and used for the purposes of the medical centre.

*[Section 13 amended by No. 59 of 1985 s. 4; No. 98 of 1985 s. 3; No. 6 of 1993 s. 11; No. 49 of 1996 s. 64; No. 1 of 1997 s. 18; No. 77 of 2006 s. 4.]*

**13A. Additional land for Queen Elizabeth II Medical Centre Reserve**

- (1) The Governor may, on the recommendation of the Trust, by Order in Council published in the *Gazette* reserve for the purposes of the medical centre being established on the reserve any land specified in the Order in Council being land which has, from time to time, been acquired whether by purchase or otherwise, by the Trust.

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- (2) On the publication of the Order in Council in the *Gazette* the land specified in the Order shall be —
- (a) re-vested in Her Majesty as of Her former estate;
  - (b) removed from the operation of the *Transfer of Land Act 1893*;
  - (c) included in and form part of the reserve and shall remain dedicated to the purpose for which it was so reserved, until by an Act it is otherwise enacted.

[Section 13A inserted by No. 72 of 1973 s. 3.]

**14. Officers and employees**

- (1) The Trust may, on such terms and conditions of service or employment as the Trust may duly determine, appoint a secretary to the Trust or engage such employees as it thinks necessary for the purposes of this Act.
- (2) All persons so appointed or engaged shall hold their offices and continue in their employment during the pleasure of the Trust.

**15. Application of *Financial Management Act 2006* and *Auditor General Act 2006***

- (1) The provisions of the *Financial Management Act 2006* and the *Auditor General Act 2006* regulating the financial administration, audit and reporting of statutory authorities apply to and in respect of the Trust and its operations.
- (2) A copy of the annual report of the Trust shall be furnished to the Senate at the same time as it is submitted to the Minister.

[Section 15 inserted by No. 98 of 1985 s. 3; amended by No. 77 of 2006 s. 17.]

**16. Teaching hospitals on reserve**

- (1) Notwithstanding the provisions of any other Act, each hospital on the reserve that under the *University Medical School, Teaching Hospitals, Act 1955*, is declared to be a teaching



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hospital, or is a teaching hospital within the meaning of the interpretation of that term in section 2 of that Act, shall have a managing body.

- (2) Such a managing body as is referred to in subsection (1) shall be so constituted or reconstituted that not less than one-fifth of its members are persons nominated as such members by the Senate.
- (3) Each teaching hospital shall have a committee known as “The Appointments Committee” which shall be charged with the duty of nominating persons for appointment by the managing body of that hospital to the medical staff thereof.
- (4) Subject to subsection (5a), each Appointments Committee of a teaching hospital shall consist of 7 members of whom —
  - (a) one shall be the chairman for the time being of the managing body of the teaching hospital, and he shall be chairman of The Appointments Committee;
  - (b) 3 shall be persons appointed by that managing body of the teaching hospital; and
  - (c) 3 shall be persons appointed by the Senate and of those 3 persons one at least shall be a member of the Faculty of Medicine at The University of Western Australia.
- (4a) Each of the persons referred to in subsection (4)(b) and (c) shall be a person who is a medical practitioner as defined in the *Medical Practitioners Act 2008* section 4.
- (5) Each member of The Appointments Committee, except for the member referred to in subsection (4)(a) or a member co-opted under subsection (5a), shall be appointed for a period of 3 years.
- (5a) An Appointments Committee may, for the purpose of considering the appointment to an office on the medical staff of the teaching hospital of The Appointments Committee of a person who holds or is to be appointed to an office on the medical staff of a hospital other than that teaching hospital,

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co-opt a representative of that other hospital to be a member of The Appointments Committee for the duration of the whole or any part of the meeting of The Appointments Committee at which that consideration is to take place.

- (6) The provisions of sections 8, 9 and 10 apply with such modifications as circumstances require, to an Appointments Committee as though it were the Trust, but a written request of not less than 3 members shall be required to call a meeting of The Appointments Committee under section 10.
- (7) One of the members of an Appointments Committee shall be appointed the vice chairman thereof by those members from time to time.
- (7a) Subsections (2) to (7) do not apply to a teaching hospital if —
  - (a) the managing body of the hospital has the management and control of another hospital; or
  - (b) the Minister is the managing body of the hospital.
- (8) In this section —
  - managing body**, in relation to a teaching hospital, means —
    - (a) the hospital board constituted under Part III of the *Hospitals and Health Services Act 1927* in relation to the hospital; or
    - (b) the Minister in whom the management and control of the hospital is vested under section 7 of that Act;

**teaching hospital** means a hospital to which subsection (1) applies.

*[Section 16 amended by No. 59 of 1985 s. 6; No. 61 of 2004 s. 17; No. 22 of 2008 s. 162; No. 8 of 2009 s. 105.]*

## 17. Indemnity

No action, claim or demand lies, or shall be commenced or allowed, by or in favour of any person against any member or in respect of any act, matter or thing done by any member in good

faith in the exercise or purported exercise of any powers or functions under this Act or for the purpose of giving effect to the provisions or objects of this Act.

**18. Power of Senate to apply fees and other money to reserve**

Notwithstanding section 38 of the *University of Western Australia Act 1911*, the Senate may apply fees or other moneys for or towards the purposes of the reserve.

**19. Saving**

- (1) Nothing in this Act, except as provided therein, affects or prejudices the provisions of the *University of Western Australia Act 1911*, the *University Medical School, Teaching Hospitals, Act 1955*, the *Hospitals and Health Services Act 1927*, or the *Cancer Council of Western Australia Act 1958*<sup>3</sup>.
- (2) The *Parks and Reserves Act 1895* does not apply to the reserve.  
[Section 19 amended by No. 103 of 1994 s. 18.]

**20. By-laws**

- (1) The Trust may, with the approval of the Governor, make by-laws providing for all matters affecting the development, control, management and good government of the reserve and the fulfilment of the purposes thereof and in particular for or in relation to —
  - (a) keeping accounts of the receipts and expenditure of the Trust;
  - (b) the conduct of persons frequenting the reserve;
  - (c) preventing trespass upon the reserve.
- (1a) Without limiting the generality of subsection (1), the Trust may, with the approval of the Governor, make by-laws regulating or prohibiting —
  - (a) pedestrian traffic; and

- (b) the driving, use, standing or parking of vehicles on the reserve or any part thereof,

and regulating the control, supervision and management of parking or standing areas, and in particular —

- (c) prescribing fees payable to the Trust by a person using, or in respect of a vehicle occupying, a parking or standing area and exempting any person or vehicle or class of person or class of vehicle from paying all or any of those fees;
- (d) providing for the sale of tickets, whether by means of vending machines or otherwise, entitling the holders of those tickets to park vehicles in parking areas or elsewhere within the reserve and for such periods and under such other terms and conditions as are specified;
- (e) providing for the issue of permits, whether on application to a specified person or otherwise, entitling the holders of those permits to park vehicles in parking areas or elsewhere in the reserve and for such periods and on such other terms and conditions as are specified, and for the circumstances in which any such permit may be amended, suspended or revoked by a specified person;
- (f) prescribing the manner in which tickets referred to in paragraph (d) and permits referred to in paragraph (e) are to be displayed, and the respective forms of those tickets and permits;
- (g) prescribing the terms and conditions under which and the period or periods of time during which a parking or standing area may be used or occupied;
- (h) providing for the protection of parking and standing areas and all equipment pertaining to them against misuse, damage, interference or attempted interference by any person;

- (i) regulating the parking and standing of vehicles in any parking or standing area and prohibiting any person from parking or standing any vehicle in a parking area or standing area otherwise than in accordance with by-laws made under this subsection;
- (j) requiring persons in charge of vehicles or animals within the reserve to obey the orders and directions of specified persons or members of specified classes of persons given for the purpose of controlling traffic;
- (k) providing for the display, erection or marking of signs for the purposes of by-laws made under this subsection;
- (l) prohibiting, or empowering the secretary to the Trust or any other specified person by the display, erection or marking of a sign referred to in paragraph (k) to prohibit —
  - (i) the use of a parking area for a purpose other than a specified purpose; or
  - (ii) the parking of a vehicle in a parking area by a person other than a specified person or a member of a specified class of persons;
- (m) exempting, or empowering the secretary to the Trust or any other specified person to exempt, any person or vehicle or class of person or class of vehicle from complying with any by-law made under this subsection prohibiting or restricting the parking or standing of vehicles generally or otherwise;
- (n) prescribing the method and means by which any charges or modified penalties prescribed by any by-law made under this subsection may or shall be paid and collected or recovered;
- (o) prescribing the circumstances under which an officer or servant of the Trust may remove a vehicle or cause it to be removed from a parking or standing area or from any other area within the reserve to a specified place,

whether within the reserve or not, prescribing his further powers in relation thereto, prescribing the scale of fees to be paid to the Trust to recover the vehicle from that place, and authorising the Trust to hold the vehicle until the prescribed fees are paid to the Trust;

- (p) prohibiting the driving of vehicles in any part of the reserve at a speed in excess of that specified in respect of that part by a by-law made under this subsection or by any sign referred to in paragraph (k);
- (q) prescribing, in respect of an alleged offence against any by-law made under this subsection, the circumstances under which the owner of a vehicle is deemed to be the driver or person in charge of the vehicle at the time of that alleged offence;
- (r) prescribing the period of time within which a person, after being served with notice of an offence alleged to have been committed by him against any by-law made under this subsection, may pay to the Trust the modified penalty prescribed for that offence, and the period within which a modified penalty is payable after receipt of notice;
- (s) prescribing the method of notifying a person alleged to have committed an offence against any by-law made under this subsection of that alleged offence and how it may or shall be dealt with and prohibiting the removal by any person other than the driver of a vehicle in respect of which an offence against such a by-law is alleged to have been committed of any notice relating to that offence affixed to the vehicle or left in or on the vehicle by an officer or servant of the Trust;
- (t) prescribing a modified penalty not exceeding \$50 payable to the Trust by a person or one of a class of persons who does not contest an allegation that he committed a specified offence against a by-law made under this subsection and providing that the due

payment of a modified penalty is a defence to a charge of the offence in respect of which that modified penalty was paid.

- (1b) In subsection (1a) —  
*specified* means specified in by-laws made under that subsection.
- (1c) Notwithstanding anything in subsection (1a), a person specified in by-laws made under that subsection who considers that an alleged specified offence against those by-laws cannot adequately be punished by the payment of a modified penalty may cause payment of a modified penalty in respect of that offence not to be accepted and may cause proceedings to be taken against the alleged offender in respect of that offence.
- (1d) Without limiting the generality of subsection (1), the Trust may, with the approval of the Governor, make by-laws enabling —
- (a) control measures to be taken with respect to vandalism, ingress, egress, security, trespass, hawkers, vending machines, the presence of animals and bill posting;
  - (b) the provision of pathways, roadways, kerbing, signs, landscaping, lighting, sewerage and drainage;
  - (c) the maintenance of gardens, grounds and equipment; and
  - (d) the removal of litter and refuse,
- in, to or from, as the case requires, the reserve.
- (1e) A by-law made under this section does not take away, restrict or otherwise affect any liability, civil or criminal, arising at common law or under any written law other than this Act.
- (2) The Trust may, by by-law, impose a penalty of \$50 for any breach of the by-laws made under this section.
- (3) Notwithstanding any other Act but subject to this Act, all pecuniary penalties imposed for offences against the by-laws

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shall, when paid, go to the use of the Trust for the purposes of this Act.

- (4) Proceedings for an offence against the by-laws may be taken on behalf of the Trust by any person specified in the by-laws for the purpose in the name of the Trust and any such person taking those proceedings shall be reimbursed out of the funds of the Trust for all damages or reasonable expenses which he may incur or for which he may become liable by reason of taking those proceedings.

*[Section 20 amended by No. 6 of 1977 s. 6; No. 59 of 1985 s. 7.]*

**21. Review of Act**

- (1) The Minister shall carry out a review of the operation and effectiveness of this Act as soon as practicable after 1 January 1991 and after the end of each successive period of 5 years calculated from that date, and in the course of that review the Minister shall consider and have regard to —
- (a) the attainment of the object of this Act;
  - (b) the administration of this Act;
  - (c) the effectiveness of the operations of the Trust and of each committee referred to in section 12, each delegate under section 13, each managing body referred to in section 16 and each Appointments Committee referred to in section 16;
  - (d) the need for the continuation of the Trust and each committee, delegate, managing body and Appointments Committee referred to in paragraph (c); and
  - (e) such matters, other than those referred to in paragraphs (a) to (d), as appear to the Minister to be relevant.
- (2) The Minister shall prepare a report based on the review referred to in subsection (1) and shall, as soon as is practicable after its



preparation, cause that report to be laid before each House of Parliament.

*[Section 21 inserted by No. 59 of 1985 s. 8.]*

## **The Schedule**

### **Part I**

1. Swan Location 652, being the whole of the land comprised in Certificate of Title, Volume 1234, Folio 116.
2. Portion of Swan Location 1715, being the whole of the land comprised in Certificate of Title, Volume 1109, Folio 771 less the land comprised in Swan Locations 8697, 8698 and 8699.
3. Portion of Swan Location 1715, being the whole of the land comprised in Certificate of Title, Volume 1174, Folio 745.

### **Part II**

Portion of Swan Location 1715 being the land comprised in Swan Locations 8697, 8698 and 8699 being the balance of the land comprised in Certificate of Title, Volume 1109, Folio 771.

*[Schedule amended by No. 72 of 1973 s. 4.]*

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## Notes

- <sup>1</sup> This is a compilation of the *Queen Elizabeth II Medical Centre Act 1966* and includes the amendments made by the other written laws referred to in the following table <sup>1a</sup>. The table also contains information about any reprint.

### Compilation table

Short title	Number and year	Assent	Commencement
<i>Perth Medical Centre Act 1966</i> <sup>4</sup>	54 of 1966	5 Dec 1966	13 Sep 1968 (see s. 2 and <i>Gazette</i> 13 Sep 1968 p. 2747)
<i>Perth Medical Centre Act Amendment Act 1973</i>	72 of 1973	6 Dec 1973	s. 4: 12 Sep 1968 (see s. 4(2)); Act other than s. 4: 6 Dec 1973
<i>Perth Medical Centre Act Amendment Act 1976</i>	2 of 1976	25 May 1976	25 May 1976
<i>Perth Medical Centre Act Amendment Act 1977</i>	6 of 1977	30 Sep 1977	28 Mar 1977 (see s. 2)
<b>Reprint of the <i>Queen Elizabeth II Medical Centre Act 1966</i> approved 21 Nov 1978</b> (includes amendments listed above)			
<i>Queen Elizabeth II Medical Centre Amendment Act 1985</i> <sup>2</sup>	59 of 1985	5 Nov 1985	s. 1 and 2: 5 Nov 1985; Act other than s. 1 and 2: 1 Nov 1986 (see s. 2 and <i>Gazette</i> 24 Oct 1986 p. 3938)
<i>Acts Amendment (Financial Administration and Audit) Act 1985</i> s. 3	98 of 1985	4 Dec 1985	1 Jul 1986 (see s. 2 and <i>Gazette</i> 30 Jun 1986 p. 2255)
<b>Reprint of the <i>Queen Elizabeth II Medical Centre Act 1966</i> as at 8 Sep 1988</b> (includes amendments listed above)			
<i>Queen Elizabeth II Medical Centre Amendment Act 1991</i>	31 of 1991	23 Nov 1991	23 Nov 1991 (see s. 2)
<i>Financial Administration Legislation Amendment Act 1993</i> s. 11	6 of 1993	27 Aug 1993	1 Jul 1993 (see s. 2(1))
<i>Hospitals Amendment Act 1994</i> s. 18	103 of 1994	11 Jan 1995	3 Feb 1995 (see s. 2 and <i>Gazette</i> 3 Feb 1995 p. 333)
<i>Coroners Act 1996</i> s. 61	2 of 1996	24 May 1996	7 Apr 1997 (see s. 2 and <i>Gazette</i> 18 Mar 1997 p. 1529)
<i>Financial Legislation Amendment Act 1996</i> s. 64	49 of 1996	25 Oct 1996	25 Oct 1996 (see s. 2(1))

**Queen Elizabeth II Medical Centre Act 1966**

<b>Short title</b>	<b>Number and year</b>	<b>Assent</b>	<b>Commencement</b>
<i>Trustees Amendment Act 1997</i> s. 18	1 of 1997	6 May 1997	16 Jun 1997 (see s. 2 and <i>Gazette</i> 10 Jun 1997 p. 2661)
<b>Reprint of the <i>Queen Elizabeth II Medical Centre Act 1966</i> as at 3 Aug 2001</b> (includes amendments listed above)			
<i>Health Legislation Amendment Act 2004</i> Pt. 5 <sup>5</sup>	61 of 2004	24 Nov 2004	24 Nov 2004 (see s. 2)
<i>Financial Legislation Amendment and Repeal Act 2006</i> s. 4 and 17	77 of 2006	21 Dec 2006	1 Feb 2007 (see s. 2(1) and <i>Gazette</i> 19 Jan 2007 p. 137)
<i>Medical Practitioners Act 2008</i> s. 162	22 of 2008	27 May 2008	1 Dec 2008 (see s. 2 and <i>Gazette</i> 25 Nov 2008 p. 4989)
<b>Reprint 4: The <i>Queen Elizabeth II Medical Centre Act 1966</i> as at 6 Feb 2009</b> (includes amendments listed above)			
<i>Statutes (Repeals and Miscellaneous Amendments) Act 2009</i> s. 105	8 of 2009	21 May 2009	22 May 2009 (see s. 2(b))

<sup>1a</sup> On the date as at which this compilation was prepared, provisions referred to in the following table had not come into operation and were therefore not included in this compilation. For the text of the provisions see the endnotes referred to in the table.

**Provisions that have not come into operation**

<b>Short title</b>	<b>Number and year</b>	<b>Assent</b>	<b>Commencement</b>
<i>Standardisation of Formatting Act 2010</i> s. 27 and 51 <sup>6</sup>	19 of 2010	28 Jun 2010	To be proclaimed (see s. 2(b))
<a href="#"><i>Health Practitioner Regulation National Law (WA) Act 2010</i> Pt. 5 Div. 43<sup>7</sup></a>	<a href="#">35 of 2010</a>	<a href="#">30 Aug 2010</a>	<a href="#">To be proclaimed (see s. 2(b))</a>

<sup>2</sup> The Queen Elizabeth II Medical Centre Amendment Act 1985 s. 9 reads as follows:

“

**9. Validation**

- (1) Any moneys paid to or received by the board of the Sir Charles Gairdner Hospital before the coming into operation of this Act, which moneys arose from the development, control or management of any part of the reserve by that board and, if —
- (a) this Act had before those moneys so arose come into operation; and
  - (b) the Trust had under section 13 of the principal Act as amended by this Act before those moneys so arose —
    - (i) set aside that part; and
    - (ii) delegated to that board such powers as would have enabled those moneys lawfully to be so paid or received,

could lawfully have been so paid or received, shall be deemed lawfully to have been so paid or received, and any proceeding, matter or thing taken or done for or in connection with the payment or recovery of those moneys shall be deemed to be and always to have been taken or done lawfully.

- (2) Any moneys —
- (a) deemed by virtue of subsection (1) to have been paid or received lawfully; and
  - (b) applied by the board of the Sir Charles Gairdner Hospital to the development, control or management of parking areas or standing areas for vehicular traffic in the reserve before the coming into operation of this Act,

shall be deemed lawfully to have been so applied.

- (3) Any acts of development, control or management done in or in relation to any part of the reserve by the board of the Sir Charles Gairdner Hospital before the coming into operation of this Act, which acts of development, control or management, if —
- (a) this Act had before the doing of those acts of development, control or management come into operation; and
  - (b) the Trust had under section 13 of the principal Act as amended by this Act before those acts of development, control or management were so done —
    - (i) set aside that part; and

- (ii) delegated to that board such powers as would have enabled those acts of development, control or management lawfully to be so done,

could lawfully have been so done, shall be deemed lawfully to have been so done.

- (4) In this section —

**acts of development, control or management** includes —

- (a) control measures taken with respect to vandalism, ingress, egress, parking or standing of vehicles, security, trespass, hawkers, vending machines, the presence of animals and bill posting;
- (b) provision of pathways, roadways, parking areas or standing areas for vehicular traffic, kerbing, signs, landscaping, lighting, sewerage and drainage;
- (c) maintenance of gardens, grounds and equipment; and
- (d) removal of litter and refuse;

**board** has the meaning given by section 2 of the *Hospitals Act 1927*;

**the reserve** and **the Trust** have the respective meanings given by section 3 of the principal Act.

”.

<sup>3</sup> Repealed by the *Cancer Council of Western Australia Act Repeal Act 1982*.

<sup>4</sup> Now known as the *Queen Elizabeth II Medical Centre Act 1966*; short title changed (see note under s. 1).

<sup>5</sup> The *Health Legislation Amendment Act 2004* s. 18 reads as follows:

“

**18. Validation**

- (1) The formation of the MHSB by the *Hospitals and Health Services (Re-organisation of Hospital Boards) Notice 1997* is declared to be, and always to have been, as valid as it would have been if section 16(7a) of the principal Act (as inserted by section 17 of this Act) had been in force at the time when that Notice came into operation.
- (2) Anything done or omitted, or purported to have been done or omitted, by the MHSB or the Minister in respect of a teaching hospital before the commencement of this section is declared to be, and always to have been, as valid as it would have been if it had been done or omitted by a managing body or an appointments

committee constituted in accordance with section 16 of the principal Act.

(3) In this section —

**MHSB** means the Metropolitan Health Service Board formed by the *Hospitals and Health Services (Re-organisation of Hospital Boards) Notice 1997*, published in the *Gazette* on 16 July 1997 at pages 3695-6;

**Minister** means the Minister in whom the management of a teaching hospital is vested under section 7 of the *Hospitals and Health Services Act 1927*;

**principal Act** means the *Queen Elizabeth II Medical Centre Act 1966*;

**teaching hospital** means a hospital to which section 16(1) of the principal Act applies.

”.

<sup>6</sup> On the date as at which this compilation was prepared, the *Standardisation of Formatting Act 2010* s. 27 and 51 had not come into operation. They read as follows:

**27. Queen Elizabeth II Medical Centre Act 1966 amended**

(1) This section amends the *Queen Elizabeth II Medical Centre Act 1966*.

(2) In the Schedule:

(a) delete “**The Schedule**”;

(b) delete “**Part I**”,

and insert:

**Schedule — Medical centre land**

[s. 4, 5 and 6]

**Part I — Original land**

(3) In the Schedule delete “**Part II**” and insert:

**Part II — Further land**

**51. Various written laws amended**

- (1) This section amends the written laws listed in the Table.  
 (2) Amend the provisions listed in the Table as set out in the Table.

<b>69. Queen Elizabeth II Medical Centre Act 1966</b>		
s. 4(2)	(2)(a) The (b) On the	(2) The (3) On the
s. 7(4)	(4)(a) The member (b) The Vice	(4A) The member (4B) The Vice
s. 13(2a)(b)	subsection (3); and	subsection (3A); and
s. 13(2m)(b) and (2o)(a)	subsection (3);	subsection (3A);
s. 13(3)	(3)(a) The Trust (b) The Treasurer this subsection	(3A) The Trust (3B) The Treasurer subsection (3A)

<sup>7</sup> [On the date as at which this compilation was prepared, the \*Health Practitioner Regulation National Law \(WA\) Act 2010 Pt. 5 Div. 43\* had not come into operation. It reads as follows:](#)

**Division 43 — Queen Elizabeth II Medical Centre Act 1966 amended**

**140. Act amended**

[This Division amends the \*Queen Elizabeth II Medical Centre Act 1966\*.](#)

**141. Section 16 amended**

[In section 16\(4a\) delete “a medical practitioner as defined in the \*Medical Practitioners Act 2008\* section 4.” and insert:](#)



a person who is registered under the *Health Practitioner Regulation National Law (Western Australia)* in the medical profession.