

WESTERN AUSTRALIA.

COUNTRY HIGH SCHOOL HOSTELS AUTHORITY.

9° Elizabeth II., No. XXXVII.

No. 37 of 1960.¹

(Affected by Act No. 113 of 1965.)

[As amended by Acts:

No. 11 of 1961, assented to 10th October, 1961;

No. 13 of 1966, assented to 5th October, 1966;

No. 26 of 1967, assented to 27th October, 1967;

and reprinted pursuant to the Amendments Incorporation Act,
1938.]

**AN ACT to Provide for the Establishment of a
Country High School Hostels Authority and for
incidental and other purposes.**

[Assented to 3rd November, 1960.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the *Country High School Hostels Authority Act, 1960-1967*.

Short title.
Amended by
No. 26 of
1967, s. 1.

2. This Act shall come into operation on a day to be fixed by proclamation.¹

Commence-
ment.

¹ Came into operation 2nd December, 1960; see *Gazette* 2/12/60, p. 3861.

Interpreta-
tion.

3. In this Act, unless the context requires otherwise—

“Authority” means the Country High School Hostels Authority established under this Act;

“high school” means a Government school established or maintained as a senior high school or high school under the Education Act, 1928, and situated in the country areas of the State, and any junior high school established or maintained as a junior high school under that Act and so situated which the Minister declares to be a high school for the purposes of this Act;

“hostel” means any premises for the accommodation of students enrolled in a high school, or in a primary school, the supervision and maintenance of which is vested in the Authority pursuant to this Act;

“member” means a person who holds office of member of the Authority;

“Minister” means the Minister of the Crown holding the office of Minister for Education;

“primary school” means a Government school established or maintained as a primary school under the Education Act, 1928, situated in a country area of the State and which the Minister declares to be a primary school for the purposes of this Act.

Country
High School
Hostels
Authority
constituted.

4. (1) For the purposes of this Act, an authority having the name of the Country High School Hostels Authority is hereby established in accordance with the provisions of this Act.

(2) The Authority consists of six members to be appointed by the Governor, and of such other members not exceeding three as the Governor may in accordance with subsection (5) of this section from time to time appoint.

(3) When the Authority consists of six members, those members shall be—

- (a) two persons, each being nominated by a body which, immediately prior to the coming into operation of this Act, was conducting three or more hostels for providing accommodation for students enrolled in any high school situated in the country areas of the State;
- (b) a person nominated by the Minister;
- (c) a person nominated by the Treasurer of the State; and
- (d) two persons nominated by the Minister, being public servants under the provisions of the Public Service Act, 1904, and of whom one shall be an officer of the Education Department of the State.

(4) The Authority is established when the appointments of all six persons mentioned in subsection (3) of this section are made.

(5) When at any time after the Authority is established the Minister advises the Governor that any body other than a body mentioned in paragraph (a) of subsection (3) of this section to the number of three is willing to undertake the establishment or supervision and maintenance of three or more hostels, the Governor may, on the recommendation of the Minister, in accordance with subsection (2) of this section appoint a person nominated by that body to be a member.

5. (1) (a) The term of tenure of office of a member expires, subject to subsection (2) of this section, by effluxion of time on the expiration of a period of three years commencing on the day specified, in the notice of his appointment, as the commencing day of that term, but upon the expiration of the term for which the member is appointed, he is eligible for re-appointment if he is then otherwise qualified to be a member.

Tenure of office.

Country High School Hostels Authority.

(b) The Minister shall publish in the *Gazette* notice of the appointment of each member.

(2) The respective terms of tenure of office of the persons first appointed to office of member expire by effluxion of time—

(a) in the case of chairman, at the expiration of five years;

(b) in the case of the other five members, two members at the expiration of five years, and three members at the expiration of three years,

commencing on the day specified in the notice of their appointment to the office of member published in the *Gazette* as the commencing day of the term.

(3) The Governor shall nominate the two members and the three members whose term of tenure of office is to be five years or three years respectively, when appointing them to the office of member.

(4) In the event of a vacancy occurring in the office of any member, the Governor may appoint another person having the required qualification to be a member in his stead for the unexpired portion of the term of his office.

Vacation of office.

(5) If a member—

(a) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, or compounds with his creditors;

(b) is absent except on leave granted by the Authority from three consecutive meetings of the Authority;

(c) becomes permanently incapable of performing his duties;

(d) becomes a person who would not be qualified to be appointed a member;

- (e) dies, or resigns his office by writing under his hand addressed to the Governor and the resignation is accepted;
- (f) is convicted of an indictable offence; or
- (g) is notified in writing by the Governor that for good cause he is terminating his appointment as member,

the Minister shall by notice in the *Gazette* declare that the office of the member is vacant, and thereupon the office shall be deemed to be vacant.

(6) A quorum of the Authority consists of not less than half the whole number of members for the time being in office, and if there is a quorum present the Authority may act notwithstanding any vacancy in its membership.

Quorum.

(7) The Governor shall appoint a member as chairman of the Authority.

Chairman.

(8) At any meeting of the Authority the chairman, or in his absence a member elected by the members present to be chairman of the meeting, shall preside.

Chairman of meeting.

(9) The decision upon any question of the majority of the members present and voting at any meeting of the Authority is the decision of the Authority on that question.

Decision of Authority.

(10) Each member is entitled to such travelling expenses as are prescribed.

Expenses.

(11) Subject to this Act, the Authority may regulate its own proceedings in such manner as it thinks fit.

Proceedings.

6. When established the Authority—

Authority body corporate.

- (a) is a body corporate with perpetual succession and a common seal; and

Country High School Hostels Authority.

- (b) is capable in law in its corporate name of suing and being sued and of taking, purchasing, holding, maintaining, exchanging, leasing and disposing of real and personal property and of doing and suffering all that bodies corporate may do and suffer.

Duties
of the
Authority.
Amended by
No. 13 of
1966, s. 2.

7. Subject to the provisions of this Act, the functions of the Authority are—

- (a) to provide or cause to be provided accommodation in hostels for students enrolled in high schools or in primary schools where transport is not provided or is not caused to be provided by the Minister for the purpose of transporting those students so enrolled in high schools or primary schools;
- (b) to supervise and maintain hostels;
- (ba) to undertake and carry out or cause to be carried out the general management of hostels, and in relation thereto but without limiting the generality thereof—
- (i) to regulate and control the admission of students to hostels, the conduct to be observed by them while accommodated therein, and the suspension or expulsion of students therefrom;
- (ii) to provide for the maintenance and enforcement of discipline in hostels;
- (iii) to engage and dismiss members of the staff of hostels and to determine their powers and duties;
- (iv) to appoint committees in respect of hostels and to delegate to any such committee all or any of the powers of the Authority under this paragraph, in which case the provisions of section nine of this Act

shall apply in relation to that delegation as though the committee were a committee appointed pursuant to that section;

- (c) to recommend to the Minister the alteration of or the addition to any premises used as hostels, the erection of new buildings, or the purchase or sale of buildings, for hostels;
- (d) with the prior written approval of the Minister to erect buildings for hostels, alter, add to, or sell buildings used as hostels, or purchase buildings to be used as such;
- (e) to exercise in relation to hostels such powers and functions as are conferred on the Authority by or under this Act;
- (f) to arrange for the leasing or the grant of a license to any person, upon such terms and conditions as the Authority and that person agree upon, of a hostel for the purpose of providing accommodation for students therein; and
- (g) to carry out such other powers and functions as may be prescribed.

8. In the exercise of its powers and functions under this Act the Authority shall have regard to any representations that may be made by the Minister to give effect to any decision of the Government in relation thereto, conveyed to the Authority in writing by the Minister.

Authority to give effect to Government policy.

9. (1) (a) The Authority may from time to time appoint one or more committees consisting of members, to exercise on behalf of the Authority such of the powers and functions of the Authority, as may be delegated to it by the Authority.

Authority may delegate its powers.

Country High School Hostels Authority.

(b) In the exercise of its powers every such committee is subject to the control of the Authority.

(2) Subject to any general or special directions given by the Authority, any committee to which any powers have been so delegated may exercise those powers in the same manner and with the same effect as if they had been directly conferred on that committee by this Act and not by delegation.

(3) Any such delegation may at any time be revoked by the Authority, in whole or in part, but that revocation does not affect in any way anything done under the delegated authority.

(4) A delegation under this section does not prevent the exercise by the Authority itself of any of the powers and functions conferred on it by or under this Act.

Appointment
of officers.

10. (1) By agreement with the Public Service Commissioner, the Authority may for the purposes of this Act co-opt the services of any officer within the meaning of the Public Service Act, 1904, as secretary or as an officer of the Authority.

(2) The use of the services of any such person shall not prejudice or affect the provisions of the Public Service Act, 1904, or affect the provisions of that Act or other Acts applying to him as an officer under the firstmentioned Act, and does not prejudice or affect his rights or obligations as such under any of those Acts.

Power to
vest certain
lands in the
Authority.

11. (1) For the purposes of this Act the Governor shall, upon being requested by the Minister so to do, by Order in Council, vest in the Authority under and subject to the provisions of the Land Act, 1933—

- (a) any land reserved to Her Majesty under that Act as sites for buildings for the purposes of education and used or to be used as hostels; and

- (b) any land that is vested in the Minister by virtue of section six of the Education Act, 1928, and which is used for the purposes of a hostel,

and on the making of the Order the land or property shall vest accordingly.

(2) The Authority shall use the land so vested under and subject to this Act and for the purposes of this Act and shall hold it for and on account of the Crown.

12. (1) The Authority has power to borrow money upon the guarantee of the Treasurer of the State for the purposes of carrying out its powers and functions under this Act.

Power to borrow money.
Amended by No. 11 of 1961, s. 2; No. 26 of 1967, s. 2.

(2) The Authority is authorised with the prior approval in writing of the Treasurer to borrow money upon such terms and conditions only as the Treasurer approves.

(3) The Treasurer is hereby authorised to so approve and to give the guarantee, including the guarantee of interest, referred to in subsection (1) of this section, for and on behalf of the Crown in right of the State.

(4) The Treasurer shall not in pursuance of this section guarantee in any one year the repayment of any principal moneys in excess of three hundred thousand dollars, or the payment of interest on any principal moneys in excess of that sum.

(5) 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 that purpose.

(6) The Authority shall use all moneys borrowed under the power conferred by this section for the purposes of carrying this Act into effect.

Treasurer
to pay
instalments
of principal
and interest.

13. (1) Where any money is borrowed under the provisions of section twelve of this Act, the Treasurer of the State shall pay, and is hereby authorised so to do, at least fourteen days before the due date of each instalment of principal and of interest payable in respect of the moneys so borrowed, to the Authority the amount of that instalment.

(2) The Authority shall on the due date pay the instalment in accordance with the terms of the security relating to the money so borrowed.

Funds of the
Authority.

14. The funds available for the purpose of enabling the Authority to carry out its powers and functions under this Act consist of—

- (a) money borrowed by the Authority under the powers conferred by this Act;
- (b) money received by the authority from the Treasurer of the State in repayment of any money so borrowed and interest thereon, pursuant to section thirteen of this Act;
- (c) money from time to time received by the Authority from rents derived from leases or licenses of hostels or by way of gifts or legacies for the general purposes of the Authority; and
- (d) money received by the Authority in any manner and from any source as part of its general revenue.

Expenditure
of Board.

15. The expenses incurred by the Authority in exercising its powers or performing its functions under this Act and generally in administering this Act shall be paid out of its funds.

16. (1) The Authority shall in July of each year cause to be prepared for the year ending on the thirtieth day of June last preceding a statement showing—

Annual statements of account.

- (a) all moneys advanced by the Authority for the erection or repair of hostels or any addition made thereto and repayments made by the Authority on account of any principal moneys and interest thereon borrowed by the Authority;
- (b) the amount of any principal sums of any moneys borrowed by the Authority and interest thereon then remaining unpaid;
- (c) a revenue account and a balance sheet for that year; and
- (d) all expenses incurred and money spent by the Authority in the administration of this Act by the Authority.

(2) The Authority shall send a copy of the statement to the Minister within seven days after it has been prepared.

17. (1) The Authority shall cause the records of account kept by the Authority to be open to the inspection of the Auditor General and any person authorised by him to inspect them, and shall permit the Auditor General and any person so authorised to make and take copies of or extracts from them.

Books may be inspected.

(2) The Auditor General has and shall exercise in respect of such accounts the powers conferred on him by the Audit Act, 1904, but shall arrange for a periodical or continuous audit of the accounts of the Authority.

18. A person who is or has been a member of the Authority is not personally liable for anything done or omitted in good faith, in, or in connection with, the exercise or purported exercise of any power conferred, or the carrying out of any duty imposed, on the Authority by this Act.

Exemption from personal liability.

Regulations.
Amended by
No. 113 of
1965, s. 8.

19. (1) The Governor may make such regulations as he considers necessary, convenient, or desirable, to enable the functions of the Authority to be carried out, or for the better carrying out of the objects and purposes of this Act.

(2) The regulations may be so made so as to impose for a breach of a regulation a maximum penalty of forty dollars.
