

Approved for Reprint 21st November, 1978.

WESTERN AUSTRALIA

QUEEN ELIZABETH II MEDICAL CENTRE.

No. 54 of 1966.¹

[As amended by Acts:

No. 72 of 1973, assented to 6th December, 1973;
No. 2 of 1976, assented to 25th May, 1976;
No. 6 of 1977,² assented to 30th September, 1977;

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

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.

[Assented to 5th December, 1966.]

BE it enacted—

1. This Act may be cited as the *Queen Elizabeth II Medical Centre Act, 1966—1977*.

Short title.
Amended by No.
6 of 1977, s. 1.

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

Commencement.

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

Interpretation.
Amended by No.
6 of 1977, s. 3.

“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,

1. Came into operation on 13/9/68, See G.G. 13/9/68, p.2747.

2. Deemed to have come into operation on 28/3/77, see section 2 of Act No. 6 of 1977.

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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;

“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 six of this Act 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.

(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 in-appropriate 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 in-appropriate to do so, be read and construed as a reference to The Queen Elizabeth II Medical Centre Trust.

4. (1) On the coming into operation of this Act, the land described in Part I of the Schedule is hereby—

Vesting of land.

- (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. 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 three hectares and may deal with, and dispose of, the land so excised for the purpose of drainage or roads, or both drainage and roads.

Excision of certain land for drainage or road purposes.
Amended by No. 2 of 1976, s. 2.

6. (1) The land described in Part I of the Schedule, less so much of it as may be excised pursuant to section five of this Act, 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.

Creation of Reserve.
Amended by No. 6 of 1977, s. 4.

(2) The land described in Part II of the Schedule shall, if and when revested pursuant to subsection (2) of section four of this Act, be included in, and form part of, the reserve created under subsection (1) of this section.

(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.

Cf. s. 31 (1)
Act No. 37 of 1933.

Constitution of
The Queen Elizabeth II Medical
Centre Trust.
Amended by No.
6 of 1977, s. 5.

7. (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 five members of whom—

- (a) one shall be a person appointed by the Governor on the written nomination of the Minister of Public Health and the Senate, to hold office during the Governor's pleasure;
- (b) two shall be persons appointed by the Governor on the written nomination of the Minister of Public Health, to hold office during the Governor's pleasure; and
- (c) two persons appointed by the Senate, to hold office during its pleasure.

Vide s. 8
Act No. 34 of
1911.

(4) (a) The member appointed pursuant to paragraph (a) of subsection (3) of this section 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 office of Vice Chairman, subject to subsection (3) of this section, for a period of two years.

(5) The Trust—

- (a) is a body corporate, with perpetual succession;
- (b) shall have a common seal;
- (c) is capable, subject to section thirteen of this Act, of acquiring, holding and disposing of real and personal property and of suing and being sued in its corporate name.

Chairman and
Vice Chairman
of the Trust.

(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.

8. (1) Four members shall constitute a quorum for the transaction of the business of any meeting of the Trust. Quorum.

(2) The Trust may function notwithstanding any vacancy in its membership, so long as a quorum remains.

9. (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. Vacancies.

(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 subsection (3) of section seven of this Act 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 so 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.

10. (1) The Chairman of the Trust or if, for any reason, the Chairman is unable to act, the Vice Chairman— Meetings of Trust.

(a) shall convene such meetings of the Trust as he considers necessary for the efficient conduct of its business; and

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(b) shall, on receipt of a written request by not less than two 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.

Use of common seal.

11. 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 two members.

Delegation.
Amended by No.
72 of 1973, s. 2.

12. (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.

Functions of the Trust.

13. (1) 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.

(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 paid out of the Public Account which Account 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 paid by the Treasurer to be paid into the Public 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) 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 ninety-nine 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 in any of the investments set out in section sixteen of the Trustees Act, 1962, and the income of such investments shall be appropriated and used for the purposes of the medical centre.

Additional land for Queen Elizabeth II Medical Centre Reserve. Added by No. 72 of 73, s. 3.

13A. (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.

(2) On the publication of the Order in Council in the *Gazette* the land specified in the Order shall be—

- (a) revested 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.

Cf. S. 31 (1) Act No. 37 of 1933.

Officers and employees.

14. (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. (1) The Trust shall furnish—

- (a) to the Minister such reports and financial statements relating to the operations of the Trust as the Minister requires; and
- (b) at the same time, a copy of any such report or statement to the Senate.

(2) The Trust shall, as soon as practicable after each thirty-first day of July, furnish to the Minister, for presentation to each House of Parliament, a report of the operations of the Trust during the year ended on that date, in such form as the Minister approves and shall at the same time furnish a copy of the report to the Senate.

(3) The Minister shall lay the report and financial statements of the Trust, together with the report of the Auditor General, before each House of Parliament within twelve sitting days of that House after their receipt by the Minister.

(4) The financial statements and accounts of the Trust are subject to inspection and audit at least once yearly by the Auditor General appointed under the Audit Act, 1904.

(5) The Auditor General has in respect of those financial statements and accounts the powers conferred on him by the Audit Act, 1904, in respect of public moneys under that Act.

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

Teaching hospitals on reserve.

(2) Such a managing body as is referred to in subsection (1) of this section 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 hospital on the reserve that is, or is so declared, a 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) Each Appointments Committee of a teaching hospital shall consist of seven members of whom—

- (a) one shall be the Chairman of the managing body of the teaching hospital, and he shall be Chairman of The Appointments Committee;
- (b) three shall be persons appointed by that managing body of the teaching hospital; and
- (c) three shall be persons appointed by the Senate and of those three persons one at least shall be a member of the Faculty of Medicine at the University of Western Australia,

each of the three persons referred to in paragraph (b) and in paragraph (c) of this subsection, shall be a person who is a medical practitioner within the meaning of section three of the Medical Act, 1894.

(5) Each member of The Appointments Committee shall be appointed for a period of three years.

(6) The provisions of sections eight, nine and ten of this Act 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 three members shall be required to call a meeting of The Appointments Committee under section ten of this Act.

(7) One of the members of an Appointments Committee shall be appointed the Vice Chairman thereof by those members from time to time.

Indemnity.

17. 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. Notwithstanding section thirty-eight of the University of Western Australia Act, 1911, the Senate may apply fees or other moneys for or towards the purposes of the reserve.

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

19. (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 Act, 1927, or the Cancer Council of Western Australia Act, 1958.

Saving.

(2) The Parks and Reserves Act, 1895, does not apply to the reserve.

20. (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—

By-laws. Amended by No. 6 of 1977, s. 6.

- (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;
- (d) regulating or prohibiting traffic both vehicular and pedestrian on the reserve or any part thereof.

(2) The Trust may, by by-law, impose a penalty of forty dollars for any breach of the by-laws made under this section.

(3) Notwithstanding any other Act, all pecuniary penalties imposed for offences against the by-laws shall, when paid, go to the use of the Trust for the purposes of this Act.

Amended by No.
72 of 1973, s. 4.¹

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.

¹ Deemed to have had effect on and from 12th September, 1968; See No. 72 of 1973, section 4(2).