

# HEALTH EDUCATION COUNCIL.

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No. 24 of 1979.

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## AN ACT to amend the Health Education Council Act, 1958-1975.

[Assented to 11th September, 1979.]

**B**E 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. (1) This Act may be cited as the *Health Education Council Act Amendment Act, 1979*. Short title and citation.

(2) In this Act the Health Education Council Act, 1958-1975 is referred to as the principal Act. Act No. 30 of 1958 as amended by Acts Nos. 4 of 1961 and 62 of 1975.

(3) The principal Act as amended by this Act may be cited as the Health Education Council Act, 1958-1979.

Commence-  
ment.

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

Long title  
substituted.

3. The principal Act is amended by deleting the long title and substituting a long title as follows—

AN ACT to Constitute the Health Education Council of Western Australia to Advise and Make Recommendations as to the Promotion, Maintenance and Improvement, by means of Health Education, of the Health of the People of the State, and for Related Purposes.

Section 3  
amended.

4. Section 3 of the principal Act is amended—

- (a) by inserting after the section designation “3.” the subsection designation “(1)”;
- (b) by deleting the words “Council of Western Australia” in the interpretation “Fund”, and substituting the word “Trust”; and
- (c) by adding a subsection as follows—

(2) The provisions of section eight of the Health Act, 1911 apply to and in relation to the Minister for the purposes of the administration by him of this Act as if the provisions of this Act were incorporated in that Act.

Section 6  
amended.

5. Section 6 of the principal Act is amended—

- (a) by deleting the word “twenty-one” in line two of subsection (1) and substituting the word “twenty”;
- (b) by deleting the word “seventeen” in line four of subsection (1) and substituting the word “sixteen”;
- (c) by deleting paragraph (b) of subsection (3); and
- (d) by adding after subsection (12) a subsection as follows—

(13) The Council—

- (a) shall cause to be recorded and kept true and proper minutes of its proceedings; and

- (b) shall conduct its proceedings in such manner as it from time to time determines and is hereby authorised to determine.

6. The principal Act is amended by repealing section 6A. Section 6A repealed.

7. Section 7 of the principal Act is amended by repealing paragraph (b) of subsection (1) and subsection (2). Section 7 amended.

8. The principal Act is amended by repealing section 8 and substituting a section as follows— Section 8 substituted.

8. (1) The functions of the Council are— Functions of Council.

(a) to advise and make recommendations to the Minister as to—

(i) ways of promoting, maintaining, and improving, by means of health education, the health of the people of the State;

(ii) plans, programmes and measures that might be adopted, and facilities that might be provided, to encourage the interest, and the active co-operation, of the people of the State in health education;

(iii) the application of the Fund; and

(b) to examine and report to the Minister on any matters referred to the Council by the Minister.

9. The principal Act is amended by repealing section 9. Section 9 repealed.

10. Section 10 of the principal Act is amended— Section 10 amended.

(a) by deleting paragraph (a) and substituting a paragraph as follows—

(a) constitute a Committee or Committees to investigate and advise on any aspect of its functions and assign a name to such a Committee; ; and

(b) by deleting paragraph (d).

Section 11  
substituted.

11. The principal Act is amended by repealing section 11 and substituting a section as follows—

The Fund.

11. (1) For the purposes of this Act there shall be a fund to be called the Health Education Trust Fund, which shall be administered by the Minister.

(2) Money from time to time belonging to the Fund shall be deposited in an account to be called the Health Education Trust Fund Account which shall be kept at the Treasury.

(3) There shall be paid into and held in the Fund—

- (a) any gift or grant of money, or the proceeds of any other gift or grant, accepted by the Minister on behalf of the State being a gift or grant made available subject to any trust, condition or stipulation that it be applied towards a specified health education plan, programme, measure or facility, or a health education plan, programme, measure or facility of a specified class, or a specified field of health education; and
- (b) the income derived from the investment of money forming part of the Fund. .

Section 12  
substituted.

12. The principal Act is amended by repealing section 12 and substituting a section as follows—

Investment  
of Fund.

12. Until money forming part of the Fund is applied by the Minister pursuant to section thirteen of this Act the Minister may invest it in any investments authorised by law as those in which trust funds may be invested. .

13. The principal Act is amended by repealing section 13 and substituting a section as follows—

Section 13 substituted.

13. The Minister may apply money in the Fund derived from a gift or grant in such manner as he thinks fit in order to give effect to the trust, condition or stipulation, subject to which that gift or grant was made available.

Application of Fund.

14. The principal Act is amended by repealing sections 14, 15 and 16.

Sections 14, 15 and 16 repealed.

15. The principal Act is amended by repealing section 17 and substituting a section as follows—

Section 17 substituted.

17. The Governor may make such regulations as he considers necessary, convenient or desirable, to assist the Council to carry out its functions or for better carrying out the objects and purposes of this Act.

Regulations.

16. The principal Act is amended by adding a section as follows—

Section 18 added.

18. (1) In this section—

Transitional provisions.

“Council Fund” means the Health Education Council of Western Australia Fund established under this Act as enacted before the coming into operation of the amending Act;

“the amending Act” means the Health Education Council Act Amendment Act, 1979.

(2) Subject to subsection (3) of this section, upon the coming into operation of the amending Act—

(a) all moneys (including moneys forming part of the Council Fund) and all interest thereon, all securities of whatsoever kind and all books and

documents, and other property, both real and personal, held by or on behalf of the Council;

- (b) all the assets and liabilities of the Council; and
- (c) all remedies, powers, authorities, rights, title, interest and obligation in or with respect to those assets and liabilities,

shall by virtue of this subsection, and without any transfer or assignment whatever, pass to and become vested in or imposed upon the Minister and be divested and discharged from the Council.

(3) Upon the coming into operation of the amending Act, any money that immediately before then formed part of the Council Fund and was held in that Fund subject to any trust, stipulation or condition requiring it to be applied for a particular purpose or particular purposes shall, by virtue of this subsection, become part of the Fund and shall continue to be held subject to that trust, stipulation or condition.

(4) Any right of action or other remedy or power accrued to or against and any power or authority vested in or exercisable by and any agreement, undertaking, mortgage, debenture, bond, lease, deed, guarantee, covenant or obligation made, given or entered into, by or with the Council before the coming into operation of the amending Act, may be prosecuted and enforced by or against the Minister as if the right of action, remedy or power had originally been vested in or exercisable by, or the agreement, undertaking, mortgage, debenture, bond, lease, deed, guarantee, covenant or obligation had been made, given or entered into by, to or with the Minister in lieu of the Council.