

**NEW SOUTH WALES STATE CANCER COUNCIL
ACT.**

Act No. 25, 1955.

Elizabeth II,
No. 25, 1955. An Act to provide for the establishment and incorporation of a New South Wales State Cancer Council and to define its powers, authorities, duties and functions; to vest certain moneys in that Council; and for purposes connected therewith. [Assented to, 26th April, 1955.]

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

Short
title.

1. This Act may be cited as the "New South Wales State Cancer Council Act, 1955."

2.

2. In this Act, unless the context or subject-matter No. 25, 1955.
otherwise indicates or requires—

Definitions.

“Account” means the New South Wales State
Cancer Council Account.

“By-laws” means by-laws made under this Act.

“Council” means the New South Wales State
Cancer Council.

“Member” means member of the Council.

3. (1) There shall be constituted a New South Wales Constitution
State Cancer Council, which shall carry into effect the of New
objects and purposes of this Act and shall have and may South
exercise and discharge the powers, authorities, duties Wales State
and functions conferred or imposed on the Council by or Cancer
under this Act. Council.

(2) The Council shall be a body corporate under
the name of “The New South Wales State Cancer
Council” with perpetual succession and a common seal,
and shall be capable by that name of suing and being
sued, and of purchasing, holding, granting, demising,
disposing of or otherwise dealing with real and personal
property and of doing and suffering all such other acts
and things as bodies corporate may by law do and suffer.

4. (1) The objects for which the Council is estab- Objects
lished are— of the
Council.

- (a) to assist and foster research and investigation
with respect to the causation, prevention,
diagnosis and treatment of cancer;
- (b) to assist and foster post-graduate and under-
graduate education and training, and education
of the public, with respect to cancer;
- (c) to assist in providing training and instruction
in technical matters relating to the diagnosis
and treatment of cancer;

(d)

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- (d) to co-ordinate, so far as is practicable, the activities of all institutions, hospitals and other bodies engaged in research and investigation with respect to the causation, prevention, diagnosis and treatment of cancer;
 - (e) to conduct public appeals for funds for carrying out the above objects;
 - (f) in consultation with the Hospitals Commission of New South Wales, to advise the Minister on problems relating to—
 - (i) the provision of hospital accommodation for the treatment of persons suffering from cancer;
 - (ii) the provision of facilities for research and investigation with respect to the causation, prevention, diagnosis and treatment of cancer;
 - (iii) the establishment of a cancer institute;
 - (g) to advise the Minister on such other matters relating to cancer as the Minister may from time to time require;
 - (h) to initiate and refer to the Minister recommendations on any matter relating to cancer.
- (2) The Council may do and perform all acts and things that are necessary or convenient for giving effect to the objects set out in subsection one of this section.

Members
of Council.

5. (1) The Council shall consist of seven members, one of whom shall be the Vice-Chancellor of the University of Sydney.

The other members of the Council shall be appointed by the Governor. Of the members so appointed—

- (a) one shall be a member of the Hospitals Commission of New South Wales who is a medical practitioner registered or deemed to be registered under the Medical Practitioners Act, 1938-1953;
- (b)

- (b) one shall be a professor in the Faculty of ^{No. 25, 1955} Medicine in the University of Sydney appointed on the nomination of the Vice-Chancellor of that University;
- (c) one shall be a business executive appointed on the nomination of the Minister;
- (d) one shall be appointed on the nomination of the Minister to represent industrial interests;
- (e) one shall be appointed on the nomination of the New South Wales Branch of the British Medical Association to represent that Association;
- (f) one shall be appointed on the nomination of the Minister.

(2) The members of the Council appointed by the Governor shall, subject to this Act, hold office for three years and shall, if otherwise qualified, be eligible for reappointment.

(3) A member shall not be entitled to receive any salary, fee, allowance or remuneration for his services as a member.

(4) The provisions of the Public Service Act, 1902, or of any Act amending that Act, shall not apply to or in respect of the appointment of any member, and a member shall not, in his capacity as such member, be subject to the provisions of any such Act during his term of office.

6. (1) A member shall be deemed to have vacated his office if he— ^{Vacation of office.}

- (a) dies;
- (b) resigns his office by writing under his hand addressed to the Governor;
- (c) becomes an insane person or patient or an incapable person within the meaning of the Lunacy Act, 1898-1955;

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(d) is absent, without the leave of the Council, from four consecutive ordinary meetings of the Council;

(e) is removed from office by the Governor; or

(f) ceases to hold the qualification by virtue of which he was appointed as a member.

(2) The Governor may, for any cause which appears to him to be sufficient, remove any member, other than the chairman, from office.

Casual
vacancy.

7. Where a casual vacancy occurs in the office of a member appointed by the Governor, the Governor may appoint a person to the vacant office. The person so appointed shall have the like qualification as that of the member whose office has become vacant and shall, subject to this Act, hold office for the residue of his predecessor's term of office.

Chairman
and deputy
chairman.

8. The Vice-Chancellor of the University of Sydney shall be the chairman of the Council, and the member appointed pursuant to paragraph (a) of subsection one of section five of this Act shall be the deputy chairman of the Council.

Proceedings
of Council.

9. (1) The procedure for the calling of meetings of the Council and for the conduct of business at those meetings shall, subject to any by-laws in relation thereto, be as determined by the Council.

(2) Four of the members shall form a quorum, and any duly convened meeting at which a quorum is present shall be competent to transact any business of the Council, and shall have and may exercise and discharge all the powers, authorities, duties and functions of the Council.

A decision of a majority of the members present at a meeting of the Council shall be the decision of the Council.

(3)

(3) At any meeting of the Council the chairman or in his absence the deputy chairman shall preside. No. 25, 1955.

If both the chairman and deputy chairman are absent from any meeting, the members present shall elect one of their number to preside at that meeting.

(4) At any meeting the chairman, or in his absence the deputy chairman or, if both the chairman and deputy chairman are absent, the person presiding at the meeting, shall have a vote, and in the case of an equality of votes a second or casting vote.

(5) The Council shall cause minutes to be kept of the proceedings at formal meetings.

(6) No act or proceeding of the Council shall be invalidated or prejudiced by reason only of the fact that, at the time when the act or proceeding was done, taken or commenced, there was a vacancy in the office of any member.

10. (1) The Council may establish committees for the purpose of advising the Council on matters relating to—

- (a) post-graduate and under-graduate education and training, and education of the public, with respect to cancer;
- (b) cancer research; and
- (c) such other matters as the Council may from time to time deem necessary.

(2) Each committee shall consist of—

- (a) such persons, whether members of the Council or not, as the Council may appoint thereto; and
- (b) two persons appointed thereto by the Minister.

11. (1) The Council shall, as soon as practicable after the commencement of this Act, establish an account to be called the "New South Wales State Cancer Council Account."

New South
Wales State
Cancer
Council
Account.

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(2) There shall be placed to the credit of the Account—

(a) any moneys appropriated by Parliament for the purposes of this Act; and

(b) any moneys received by the Council from any other source—

(i) for, or for the encouragement of, research or investigation with respect to the causation, prevention, diagnosis or treatment of cancer;

(ii) for, or for the encouragement of, post-graduate or under-graduate education or training, or education of the public with regard to cancer; or

(iii) for any other purpose of this Act.

(3) Upon the establishment of the Account any moneys standing to the credit of the Special Deposits Account in the Treasury known as the "Cancer Education and Research Account" shall be paid into the Account.

(4) The moneys in the Account may, subject to the terms of any trust or condition affecting those moneys or any part thereof, be applied—

(a) for the purpose of carrying out or giving effect to all or any of the objects set out in paragraphs (a), (b), (c), (d) and (e) of subsection one of section four of this Act;

(b) without limiting the generality of paragraph (a) of this subsection, in making grants—

(i) to institutions, hospitals, departments or other bodies or to individuals for, or for the encouragement of, research or investigation with respect to the causation, prevention, diagnosis or treatment of cancer;

(ii)

(ii) to institutions, hospitals, departments or other bodies for, or for the encouragement of, post-graduate or under-graduate education or training, or education of the public, with regard to cancer; and

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(c) in meeting the costs of administration of this Act.

(5) Any moneys in the Account that are not immediately required for the purposes of this Act may be invested in any manner in which trustees are for the time being authorised to invest trust funds.

12. The Council shall, subject to section eleven of this Act, hold all property acquired by it upon trust to apply the property for the purpose of carrying out or giving effect to all or any of the objects set out in paragraphs (a), (b), (c), (d) and (e) of subsection one of section four of this Act but subject to the terms of any trust or condition affecting that property.

Property to be held in trust.

13. (1) The Council has power to acquire by gift, bequest or devise any property for any of the purposes of this Act and to agree to and carry out the conditions of the gift, bequest or devise.

Power to accept gifts, &c.

(2) The rule of law relating to perpetuities does not apply to any condition of a gift, bequest or devise to which the Council has agreed.

(3) Nothing contained in the Stamp Duties Act, 1920, or in any Act amending that Act, whether passed before or after the commencement of this Act, applies to any real or personal property of any nature or kind whatsoever comprised in any gift, bequest or devise made to the Council.

14. Where a cancer institute is constructed on land vested in, or under the control of, any hospital or separate institution within the meaning of the Public Hospitals Act, 1929, as amended by subsequent Acts, and the cost of constructing the cancer institute is met out of moneys provided by Parliament, a government department

Cancer institutes.

New South Wales State Cancer Council Act.

No. 25, 1955. department or the Council, then the board of directors or other the governing authority of the hospital or separate institution, as the case may be, shall, in governing, managing and controlling the institute, be subject to the control and direction of the Council.

Officers
and
employees.

15. (1) The Council may appoint and employ such persons possessing medical, scientific or technical qualifications as may be necessary for carrying out the provisions of this Act.

Salaries payable pursuant to this subsection shall be part of the costs of administration of this Act.

(2) Subject to subsection one of this section, the staff of the Council shall be appointed under, and be subject to, the provisions of the Public Service Act, 1902, as amended by subsequent Acts.

(3) For the purpose of carrying out the provisions of this Act, the Council, with the approval of the Minister of the Department concerned and of the Public Service Board, may make use of the services of any of the officers and employees of the Public Service.

Accounts
to be
rendered.

16. The Council shall cause to be kept proper books of account in relation to the funds of the Council and shall, as soon as practicable after the thirtieth day of June in each year, prepare and submit to the Minister for presentation to Parliament a statement of accounts in a form approved by the Auditor-General exhibiting a true and correct view of the financial position and transactions of the Council.

Audit.

17. The accounts of the Council shall be audited by the Auditor-General who shall have, in respect thereof, all the powers conferred on the Auditor-General by any law now or hereafter in force relating to the audit of public accounts; and the Audit Act, 1902, and any Acts amending that Act, shall apply to the members of the Council and to the officers and employees of the Council in the same manner as it applies to accounting officers of public departments.

18.

18. As soon as practicable after the thirtieth day of June in each year, the Council shall prepare and transmit to the Minister for presentation to Parliament a report of the proceedings of the Council during the period of twelve months immediately preceding that day.

19. (1) The Council may make by-laws, not inconsistent with this Act, prescribing all matters which by this Act are required or permitted to be prescribed, or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) Without prejudice to the generality of the power conferred by subsection one of this section the Council may make by-laws—

- (a) regulating the conduct of business at meetings of the Council, including the times and places of meetings;
- (b) prescribing the circumstances in which and the terms and conditions upon which any property vested in the Council may be applied for any purpose for which it may be applied in accordance with this Act.

(3) The by-laws shall—

- (a) be submitted to the Governor for his approval;
- (b) after approval be published in the Gazette;
- (c) take effect from the date of publication or from a later date to be specified in the by-laws;
- (d) be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is in session, and if not, then within fourteen sitting days after the commencement of the next session.

If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after the by-laws have been laid before such House disallowing any by-law or part thereof, such by-law or part shall thereupon cease to have effect.

HIRE-PURCHASE