

Western Australia

**Country High School Hostels Authority
Act 1960**

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Country High School Hostels Authority Act 1960

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Country High School Hostels Authority Act 1960

An Act to Provide for the Establishment of a Country High School Hostels Authority and for incidental and other purposes.

1. Short title

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

2. Commencement

This Act shall come into operation on a day to be fixed by proclamation¹.

3. Interpretation

In this Act, unless the context requires otherwise —

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

hostel means any premises for the accommodation of students, the supervision and maintenance of which is vested in the Authority pursuant to this Act;

isolated student means a student —

- (a) who is geographically isolated for the purposes of the Assistance for Isolated Children Scheme referred to in the *Student and Youth Assistance Act 1973* of the Commonwealth; or

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- (b) whose parents' principal home is isolated within the meaning of regulation 78 of the *AUSTUDY Regulations 1991* of the Commonwealth;

member means a person who holds office of member of the Authority.

[Section 3 amended by No. 7 of 1988 s. 13; No. 2 of 1998 s. 4.]

4. Country High School Hostels Authority constituted

- (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 7 members appointed by the Governor on the nomination of the Minister.
- (3) In making any nomination under subsection (2) or section 5(4) the Minister shall ensure that at all times as least one member is a public service officer within the meaning of the *Public Sector Management Act 1994*.
- (4) Subject to subsection (3), the Minister may nominate under subsection (2) any person whom he considers qualified to act as a member by reason of his association with the conduct of hostels, his suitability to represent the parents of children accommodated in hostels, or his general capacity for community service.

[(5) Omitted under the Reprints Act 1984 s. 7(4)(e).]

[Section 4 amended by No. 75 of 1979 s. 2; No. 32 of 1994 s. 19.]

5. Tenure of office

- (1) (a) The term of tenure of office of a member expires by effluxion of time on the expiration of a period of 3 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.

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

[(2), (3) deleted]

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

- (5) If a member —

- (a) becomes, according to the *Interpretation Act 1984* section 13D, a bankrupt or a person whose affairs are under insolvency laws; or
- (b) is absent except on leave granted by the Authority from 3 consecutive meetings of the Authority; or
- (c) becomes permanently incapable of performing his duties; or
- (d) becomes a person who would not be qualified to be appointed a member; or
- (e) dies, or resigns his office by writing under his hand addressed to the Governor and the resignation is accepted; or
- (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.

- (7) The Governor shall appoint a member as chairman of the Authority.
- (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.
- (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.
- (10) Each member is entitled to such travelling expenses as are prescribed.
- (11) Subject to this Act, the Authority may regulate its own proceedings in such manner as it thinks fit.

[Section 5 amended by No. 75 of 1979 s. 3; No. 18 of 2009 s. 24.]

6. Authority body corporate

When established the Authority —

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

7. Duties of the Authority

- (1) Subject to the provisions of this Act, the functions of the Authority are —
 - (a) to provide, or cause to be provided, accommodation in hostels —
 - (i) for isolated students enrolled in a secondary school established under the *Education Act 1928*²; and

- (ii) subject to such conditions as the Minister may impose, for students of such other classes as are approved by the Minister;
- (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, subject to section 7A, 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 9 shall apply in relation to that delegation as though the committee were a committee appointed pursuant to that section;
- (bb) to enter into agreements for payment to the Authority of charges for accommodation in any hostel, and for the payment to it of costs, expenses, and disbursements incidental to such accommodation;
- (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;

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- (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.
- (2) Payments received by the Authority before the passing of the *Country High School Hostels Authority Act Amendment Act 1979*¹ and contracts entered into therefor before the passing of that Act shall not be invalid or called in question by reason only of the fact that at the time the payment was made or the contract was entered into subsection (1)(bb) was not in force.

[Section 7 amended by No. 13 of 1966 s. 2; No. 75 of 1979 s. 4; No. 2 of 1998 s. 5.]

7A. Priority

- (1) Places in a hostel shall be allotted to students in the following order or priority —
- (a) students (whether isolated or not) who were accommodated in the hostel during the previous school year;
 - (b) isolated students who were not accommodated in the hostel during the previous school year; and
 - (c) subject to subsection (2), students of all other classes.
- (2) The Minister may direct a hostel to allot places in that hostel to students referred to in subsection (1)(c) in such order or priority as the Minister thinks fit and effect is to be given to that direction.

[Section 7A inserted by No. 2 of 1998 s. 6.]

8. Authority to give effect to Government policy

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.

9. Authority may delegate its powers

- (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.
 - (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.

10. Officers and employees of Authority

- (1) For the purposes of this Act the Authority may appoint such officers and servants of the Authority as it thinks fit.
- (2) The terms and conditions of service of the officers and servants of the Authority (including their remuneration) shall be as determined by the Authority, with the approval of the Public Sector Commissioner, subject to any relevant award or industrial

agreement under the *Industrial Arbitration Act 1912*³ or to any award or agreement under the *Public Service Arbitration Act 1966*⁴.

- (3) By agreement with the employing authority, within the meaning of the *Public Sector Management Act 1994*, of that officer, the Authority may for the purposes of this Act co-opt the services of any public service officer as secretary or as an officer of the Authority but any such arrangement shall not prejudice or affect —
- (a) the provisions of the *Public Sector Management Act 1994*⁵ or of that Act or any other Act applying to the officer as an officer of the Public Service; or
 - (b) his rights or obligations as such under any of those Acts.
- (4) Notwithstanding anything in section 7(1)(ba)(iv) or in section 9, the Authority shall not delegate any of its powers and functions under subsection (2).
- (5) Notwithstanding anything in this section, to the extent that there is in the case of a person who is appointed under subsection (1) to be an officer or servant and who is a member of the Senior Executive Service within the meaning of the *Public Sector Management Act 1994*⁵ an inconsistency between this Act and that Act that Act shall prevail.

[Section 10 inserted by No. 75 of 1979 s. 5; amended by No. 113 of 1987 s. 32; No. 32 of 1994 s. 19; No. 39 of 2010 s. 90.]

11. Power to vest certain lands in the Authority

- (1) For the purposes of this Act the Minister administering the *Land Administration Act 1997* shall, on being requested by the Minister administering this Act to do so, by order under Part 4 of the *Land Administration Act 1997*, place with the Authority the care, control and management of —
- (a) any land reserved under that Part of 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 215 of the *School Education Act 1999*, and which is used for the purposes of a hostel,

and on the registration of the order of the care, control and management of the land shall be placed with the Authority accordingly.

- (2) The Authority shall use the land, the care, control and management of which are placed with it under subsection (1), under and subject to this Act and for the purposes of this Act and shall hold it for and on account of the Crown.

[Section 11 amended by No. 31 of 1997 s. 19; No. 36 of 1999 s. 247; No. 24 of 2000 s. 10.]

12. Power to borrow money

- (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.
- (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), for and on behalf of the Crown in right of the State.
- (4) Any moneys borrowed by the Authority under this section may be raised as one loan or as several loans and in such manner as the Treasurer may approve, but the amount of the moneys so borrowed shall not in any one year exceed in the aggregate such amount as the Treasurer approves.
- (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.

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

[Section 12 amended by No. 11 of 1961 s. 2; No. 26 of 1967 s. 2; No. 62 of 1972 s. 2.]

13. Treasurer to pay instalments of principal and interest

- (1) Where any money is borrowed under the provisions of section 12, the Treasurer of the State shall pay, and is hereby authorised so to do, at least 14 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.

14. Funds of the Authority

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 13;
- (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.

15. Expenditure of Board

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

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 Authority and its operations.

[Section 16 inserted by No. 98 of 1985 s. 3; amended by No. 77 of 2006 s. 17.]

[17. Deleted by No. 98 of 1985 s. 3.]

18. Exemption from personal liability

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.

19. Regulations

- (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 \$40.

[Section 19 amended by No. 113 of 1965 s. 8.]

Notes

- ¹ This is a compilation of the *Country High School Hostels Authority Act 1960* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

Compilation table

Short title	Number and year	Assent	Commencement
<i>Country High School Hostels Authority Act 1960</i>	37 of 1960	3 Nov 1960	2 Dec 1960 (see s. 2 and <i>Gazette</i> 2 Dec 1960 p. 3861)
<i>Country High School Hostels Authority Act Amendment Act 1961</i>	11 of 1961	10 Oct 1961	10 Oct 1961
<i>Decimal Currency Act 1965</i>	113 of 1965	21 Dec 1965	s. 4-9: 14 Feb 1966 (see s. 2(2)); balance: 21 Dec 1965 (see s. 2(1))
<i>Country High School Hostels Authority Act Amendment Act 1966</i>	13 of 1966	5 Oct 1966	5 Oct 1966
<i>Country High School Hostels Authority Act Amendment Act 1967</i>	26 of 1967	27 Oct 1967	27 Oct 1967
Reprint of the <i>Country High School Hostels Authority Act 1960</i> approved 7 Apr 1971 (includes amendments listed above)			
<i>Country High School Hostels Authority Act Amendment Act 1972</i>	62 of 1972	31 Oct 1972	31 Oct 1972
<i>Country High School Hostels Authority Amendment Act 1979</i>	75 of 1979	6 Dec 1979	6 Dec 1979
<i>Acts Amendment (Financial Administration and Audit) Act 1985 s. 3</i>	98 of 1985	4 Dec 1985	1 Jul 1986 (see s. 2 and <i>Gazette</i> 30 Jun 1986 p. 2255)
<i>Acts Amendment (Public Service) Act 1987 s. 32</i>	113 of 1987	31 Dec 1987	16 Mar 1988 (see s. 2 and <i>Gazette</i> 16 Mar 1988 p. 813)
<i>Acts Amendment (Education) Act 1988 Pt. 4</i>	7 of 1988	30 Jun 1988	8 Jul 1988 (see s. 2 and <i>Gazette</i> 8 Jul 1988 p. 2371)

Short title	Number and year	Assent	Commencement
<i>Acts Amendment (Public Sector Management) Act 1994</i> s. 19	32 of 1994	29 Jun 1994	1 Oct 1994 (see s. 2 and <i>Gazette</i> 30 Sep 1994 p. 4948)
<i>Acts Amendment (Land Administration) Act 1997</i> Pt. 17	31 of 1997	3 Oct 1997	30 Mar 1998 (see s. 2 and <i>Gazette</i> 27 Mar 1998 p. 1765)
<i>Country High School Hostels Authority Amendment Act 1998</i>	2 of 1998	26 Mar 1998	26 Mar 1998 (see s. 2)
<i>School Education Act 1999</i> s. 247	36 of 1999	2 Nov 1999	1 Jan 2001 (see s. 2 and <i>Gazette</i> 29 Dec 2000 p. 7904)
<i>Statutes (Repeals and Minor Amendments) Act 2000</i> s. 10	24 of 2000	4 Jul 2000	4 Jul 2000 (see s. 2)
Reprint of the Country High School Hostels Authority Act 1960 as at 15 Feb 2002 (includes amendments listed above)			
<i>Financial Legislation Amendment and Repeal Act 2006</i> s. 17	77 of 2006	21 Dec 2006	1 Feb 2007 (see s. 2 and <i>Gazette</i> 19 Jan 2007 p. 137)
<i>Acts Amendment (Bankruptcy) Act 2009</i> s. 24	18 of 2009	16 Sep 2009	17 Sep 2009 (see s. 2(b))
<i>Public Sector Reform Act 2010</i> s. 90	39 of 2010	1 Oct 2010	1 Dec 2010 (see s. 2(b) and <i>Gazette</i> 5 Nov 2010 p. 5563)

- ² Repealed by the *School Education Act 1999* s. 246(1).
- ³ Repealed by the *Industrial Arbitration Act 1979* s. 4, the short title of which was changed to the *Industrial Relations Act 1979* by the *Acts Amendment and Repeal (Industrial Relations) Act (No. 2) 1984*.
- ⁴ Repealed by the *Acts Amendment and Repeal (Industrial Relations) Act (No. 2) 1984* s. 83(c).
- ⁵ Under the *Public Sector Management Act 1994* s. 112(1), a reference to the *Public Service Act 1978* is to be read as a reference to the *Public Sector Management Act 1994*. The reference was changed under the *Reprints Act 1984* s. 7(3)(g).