

Cancer Institute (NSW) Bill 2003

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to constitute a Cancer Institute with the aim of enhancing cancer research and other cancer control activities and of improving the care, treatment and chances of survival of people who have cancer.

Outline of provisions

Part 1 Preliminary

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

Clause 3 defines certain words and expressions used in the proposed Act.

Part 2 Cancer Institute (NSW)

Clause 4 constitutes the Cancer Institute (NSW) as a corporation.

Clause 5 specifies the objectives of the Cancer Institute, which are to increase the survival rate for cancer patients, to reduce the incidence of cancer in the community, to improve the quality of life of cancer patients and their carers and to operate as a source of expertise on cancer control for the government, health service providers, medical researchers and the general community.

Clause 6 provides that in exercising its functions under the proposed Act, the Cancer Institute is to have regard to the guiding principles listed in the proposed section. Those principles include recognising that effective cancer control requires partnership between the public sector, the private sector and the general community.

Part 3 Management and staff of Cancer Institute

Clause 7 establishes a Board that is to govern the affairs of the Cancer Institute. The Board is subject to the control and direction of the Minister, except in relation to a report or recommendation made by the Board to the Minister.

Clause 8 provides that the Board is to consist of at least 7, but not more than 10, persons appointed by the Minister. The chief executive officer of the Cancer Institute, who is called the Chief Cancer Officer, is also to be a member of the Board.

Clause 9 requires the Board to establish several committees which have the function of providing advice and assistance to the Board. Those committees include an Ethics Committee, a Clinical Services Advisory Committee, a Research Advisory Committee and a Quality and Clinical Effectiveness Advisory Committee.

Clause 10 provides for the Governor to appoint a Chief Cancer Officer as the chief executive officer of the Cancer Institute. The Chief Cancer Officer is responsible for the management of the affairs of the Cancer Institute, subject to and in accordance with any directions of the Board.

Clause 11 permits the Cancer Institute to employ staff and to arrange for the use of the services of any staff or facilities of a government department or public authority. The Cancer Institute may also engage consultants for the purposes of getting expert advice.

Part 4 Functions of Cancer Institute

Clause 12 provides that the Cancer Institute may do and perform all acts and things that are necessary or convenient for giving effect to its objectives. The proposed section also specifies the functions of the Cancer Institute, which include undertaking, commissioning or sponsoring cancer-related research and development.

Clause 13 gives the Cancer Institute the power to request any person or body to provide the Cancer Institute with any information about cancer control that is held by the person or body. If the Cancer Institute makes such a request of the Department of Health or a public health organisation, and the Director-General of that Department gives his or her consent, then the request must be complied with.

Clause 14 requires the Cancer Institute to report to the Minister on its activities each financial year. The report is to be tabled in Parliament.

Clause 15 gives the Cancer Institute certain powers to acquire and dispose of land or other property. The Minister must approve of any acquisition or disposal of land.

Clause 16 gives the Cancer Institute the power to acquire property by gift, devise or bequest (for instance, in the will of a deceased person).

Clause 17 gives the Cancer Institute the power to make and enter into certain contracts or agreements.

Clause 18 gives the Cancer Institute the power to invest money in a certain manner.

Clause 19 gives the Cancer Institute the power to make by-laws in relation to specified matters.

Clause 20 gives the Cancer Institute the power to delegate the exercise of most of its functions to any member of staff.

Part 5 Miscellaneous provisions

Clause 21 provides for the Minister to appoint an independent panel of experts to review, and report to the Minister on, the performance of the Cancer Institute in achieving its objectives.

Clause 22 protects members of staff of the Cancer Institute, members of the Board, members of a committee of the Board and any person acting under the direction of the Board or a committee of the Board from personal liability in relation to anything done in good faith for the purpose of executing the proposed Act.

Clause 23 provides for the authentication of certain documents.

Clause 24 provides for the service of documents on the Cancer Institute.

Clause 25 gives the Governor the power to make regulations under the proposed Act.

Clause 26 gives effect to Schedule 2, which makes provision for the existing New South Wales Cancer Council to be registered as a company limited by guarantee.

Clause 27 provides for the *New South Wales Cancer Council Act 1995* to be repealed on or after the date on which the Cancer Council is registered as a company limited by guarantee.

Clause 28 is a formal provision that gives effect to the amendments of other legislation set out in Schedule 3.

Clause 29 provides for the review of the proposed Act in 3 years.

Schedule 1 Provisions relating to members and procedure of Board

Schedule 1 makes provision for the membership and procedure of the Board of the Cancer Institute.

Schedule 2 Registration of NSW Cancer Council as a company

Schedule 2 provides for the New South Wales Cancer Council to be a deemed registration company, limited by guarantee, under the *Corporations Act 2001* of the Commonwealth.

Schedule 3 Amendment of other legislation

Schedule 3 amends Acts and a regulation as a consequence of the proposed Act.