This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

> I. P. K. VIDLER, Clerk of the Legislative Assembly.

Legislative Assembly Chamber, Sydney, 7 November, 1972.



ANNO VICESIMO PRIMO

ELIZABETHÆ II REGINÆ

Act No. , 1972.

An Act to constitute the Health Commission of New South Wales and to define its powers, authorities, duties and functions; to dissolve The Hospitals Commission of New South Wales and the Board of Health and to abolish the Department of Health; to amend the Public Health Act, 1902, the Public Hospitals Act, 1929, and certain other Acts; and for purposes connected therewith.

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B^E 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:—

1. This Act may be cited as the "Health Commission Act, Short title. 1972".

2. The provisions—

Commence-

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- (a) of section 1 and of this section shall commence upon the date of assent to this Act;
- (b) of sections 3 to 15 and of section 22 shall commence upon such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette;
- (c) of this Act, other than the provisions referred to in paragraphs (a), (b) and (d), shall commence upon such day, not being earlier than the day appointed and notified under paragraph (b), as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette; and
 - (d) of section 33, in so far as they effect the amendments specified in Part 2 of the Schedule, and of Part 2 of the Schedule, shall commence upon such day, not being earlier than the day appointed and notified under paragraph (c), as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

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3. In this Act, except in so far as the context or subject- Interprematter otherwise indicates or requires—

"appointed day" means the day appointed and notified under section 2 (c);

"Commission" means the Health Commission of New South Wales constituted under this Act;

"health service" means any medical, hospital, ambulance, paramedical, community health or environmental health service or any other service relating to the maintenance or improvement of the health, or restoration to health, of persons or the prevention of disease in or injury to persons;

"member" means a member of the Commission;

"regulations" means regulations made under this Act.

15 4. (1) There is hereby constituted a corporation under Constituthe corporate name of the "Health Commission of New South tion of the Wales".

Health Commission of New South Wales.

(2) The Commission—

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(a) shall have and may exercise and perform the powers, authorities, duties and functions conferred or imposed upon it by or under this or any other Act;

- (b) shall, for the purposes of any Act, be deemed to be a statutory body representing the Crown; and
- (c) shall, in the exercise and performance of its powers, authorities, duties and functions (except in relation to the contents of a recommendation or report made by it to the Minister), be subject to the control and direction of the Minister.

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5. (1) The Commission shall consist of five members Appointment of appointed by the Governor.

(2) The provisions of the Public Service Act, 1902, shall not apply to or in respect of the appointment of a
5 member, and a member shall not be subject to the provisions of that Act during his term of office.

6. (1) The members shall be appointed to offices Members to be to be

(a) Chairman;

to be appointed to specified offices.

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- (b) Commissioner for Personal Health Services;
 - (c) Commissioner for Environmental and Special Health Services;
 - (d) Commissioner for Manpower and Management Services; and
- 15 (e) Commissioner for Finance and Physical Resources.

(2) A member other than the Chairman shall be appointed as the Deputy Chairman.

(3) A member shall not be appointed to an office referred to in subsection (1) (b) or (c) unless he is a 20 medical practitioner.

7. (1) A member shall devote the whole of his time to Provisions the duties of his office and shall be paid such annual salary relating to members and allowances as the Governor may from time to time generally. determine in respect of him.

- 25 (2) A member shall, subject to this Act, hold office as a member for such term not exceeding seven years as may be specified in the instrument of his appointment and shall, if otherwise qualified, be eligible for re-appointment from time to time.
- 30 (3) Any such re-appointment shall be for such term not exceeding seven years as may be specified in the instrument of re-appointment.

(4)

(4) On the occurrence of a vacancy in the office of a member otherwise than by the expiration of the term for which he was appointed, the Governor may appoint a person to hold office as a member for the balance, or for a part of the balance, of his predecessor's term of office, as may be specified in the instrument of appointment.

(5) The Governor may appoint a person, other than a member, to act in the office, referred to in section 6 (1), of a member while that member is from time to time absent from
10 that office through illness or any other cause or, in the case of the Deputy Chairman while he is, pursuant to section 8 (3), acting from time to time in the place of the Chairman, and the person so appointed shall while so acting be deemed to be a member and shall have the immunities, powers, authori-15 ties, duties and functions of the member in whose office he has been empirited to get

has been appointed to act.

(6) A person does not, by reason only of his being appointed under subsection (5) to act in the office, referred to in section 6 (1), of the Deputy Chairman, become the 20 Deputy Chairman.

(7) A person who is of or above the age of sixty-five years shall not be appointed as a member or be appointed under subsection (5).

(8) Subsection (1) does not prevent a member of
25 the Commission, who, at any time during the period commencing on the day appointed and notified under section 2
(b) and ending on the appointed day, is a member of The Hospitals Commission of New South Wales or the Board of Health or is an officer under the Public Service Act, 1902,
30 from carrying out, during that period, the duties of his office as a member of The Hospitals Commission of New South Wales or that Board, or as such an officer, as the case may be.

(1) If the Deputy Chairman is not a medical prac- Provisions 8. titioner, a person who is not a medical practitioner shall not relating to Chairman be appointed under section 6 as Chairman. and Deputy Chairman.

(2) If the Chairman is not a medical practitioner, a person who is not a medical practitioner shall not be appointed 5 under section 6 as Deputy Chairman.

(3) In the case of the absence through illness or any other cause of the Chairman, the Deputy Chairman shall, if a person has not been appointed under section 107 (5) to act in the office of the Chairman, act in the place of

- the Chairman, and while so acting shall be deemed to be the Chairman and shall have the immunities, powers, authorities, duties and functions of the Chairman.
- 9. No person shall be concerned to enquire whether or Substitute 15 not any occasion has arisen requiring or authorising the member's right to Deputy Chairman to act in the office of the Chairman or a act not person, appointed under section 7 (5), to act in the office examinable. of any member, and all acts or things done or omitted by the Deputy Chairman or that person while so acting shall be 20 as valid and effectual and shall have the same consequences as if they had been done or omitted by the Chairman or the member in whose office the person, appointed under section 7 (5), was appointed to act.

10. (1) A member shall be deemed to have vacated his Casual 25 office—

(a) if he dies;

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- (b) if he engages in any paid employment outside the duties of his office;
- (c) if he absents himself from duty for a period exceeding fourteen consecutive days, except on leave granted by the Minister (which leave the Minister is hereby authorised to grant);

(d)

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Health Commission.

- (d) if he becomes a bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes any assignment of his salary or allowances as a member, or of his estate, for their benefit:
- (e) if he becomes a temporary patient or a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention, under Part VII of that Act;
 - (f) if he is convicted in New South Wales of a felony or of a misdemeanour punishable by imprisonment for twelve months or upwards, or if he is convicted elsewhere than in New South Wales of an offence which if committed in New South Wales would be a felony or a misdemeanour so punishable;
- (g) if he resigns his office by writing under his hand addressed to the Governor and the Governor accepts the resignation;
- (h) if, at any meeting of the Commission at which he is present and at which any agreement or proposed agreement in which he has a direct or indirect pecuniary interest, or any other matter in which he has such an interest, is the subject of consideration or is included on the agenda for consideration—
 - (i) he fails, as soon as practicable after the commencement of the meeting, to disclose to the meeting his interest in; or
 - (ii) he takes part in the consideration or discussion of, or votes on any question with respect to,

the agreement, proposed agreement or other matter;

(i) if—

(i) he has any direct or indirect pecuniary interest in any agreement with a hospital, within the meaning of the Public Hospitals Act.

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Act, 1929, a private hospital or nursing home within the meaning of the Private Hospitals Act, 1908, or an authorised hospital within the meaning of the Mental Health Act, 1958, or in any other matter in which such a hospital, private hospital, nursing home or authorised hospital is concerned, other than an agreement for, or other matter relating to, the care or treatment of any person by the hospital, private hospital, nursing home or authorised hospital;

- (ii) he is a member of the governing body of any such hospital, private hospital, nursing home or authorised hospital or holds any position concerned in the administration of any such hospital, private hospital, nursing home or authorised hospital other than his position as a member; or
- (iii) by virtue of his office as a member, he accepts or acquires any personal profit or advantage other than under this or any other Act;
- (j) if he is removed from office by the Governor; or
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(k) on the day on which he attains the age of sixty-five years.

(2) The Governor may, for any cause which to him seems sufficient, remove any member from office.

(3) If—

- (a) a company has a direct or indirect pecuniary interest in any agreement or proposed agreement or in any other matter the subject of consideration at a meeting of the Commission; or
 - (b) a company has a direct or indirect pecuniary interest in any agreement with a hospital, private hospital, nursing home or authorised hospital referred to in subsection (1) (i) or in any other matter

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matter in which a hospital, private hospital, nursing home or authorised hospital so referred to is concerned,

a member who----

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(c) is a member of the governing body of, or is a substantial shareholder within the meaning of section 69c of the Companies Act, 1961, in, that company shall, for the purposes of subsection (1)
(h) and (i), be deemed to have a direct or indirect pecuniary interest in that agreement, proposed agreement or other matter; or

(d) has a relevant interest, within the meaning of section 6A of that Act, in any share of the company shall for the purposes of subsection (1) (h) (i) be deemed to have a direct or indirect pecuniary interest in that agreement, proposed agreement or other matter.

(4) A member who, at any time during the period commencing on the day appointed and notified under section20 2 (b) and ending on the appointed day, is a member of The Hospitals Commission of New South Wales or the Board of Health or is an officer under the Public Service Act, 1902, shall not be deemed to have vacated his office as a member of the Commission by reason only of his engaging, during

25 that period, in paid employment as a member of The Hospitals Commission of New South Wales or that Board, or as an officer under the Public Service Act, 1902, as the case may be.

11. (1) In this section, "superannuation scheme" means Preserva 30 a scheme, fund or arrangement under which any superannua- tion of certain tion or retirement benefits are provided and which is rights of established by or under any Act.

previously

(2) Subject to subsection (3) and to the terms of servants, his appointment, where a member was, immediately before etc.
 35 his appointment as a member—

(a) an officer of the Public Service; or

(b)

| | Health Commission. |
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| (b) he— | a contributor to a superannuation scheme; |
| (c) | shall retain any rights accrued or accruing to him as such an officer or contributor; |
| (d) | may continue to contribute to any superannuation scheme to which he was a contributor immediately before his appointment as a member; and |
| (e) | shall be entitled to receive any deferred or extended leave and any payment, pension or gratuity, |
| 0 as if he during h | had continued to be such an officer or contributor is service as a member, and— |
| | his service as a member shall be deemed to be service as an officer or employee for the purpose of any law under which those rights accrued or were accruing, under which he continues to contri- bute or by which that entitlement is conferred; and |
| | he shall be deemed to be an officer or employee, and the Commission shall be deemed to be his |
| 20 | employer, for the purpose of the superannuation scheme to which he is entitled to contribute under |

25 nuation scheme or to receive any payment, pension or gratuity under that scheme shall not be so entitled upon his becoming (whether upon his appointment as a member or at any later time while he holds office as a member) a contributor to any other superannuation scheme, and the provisions of subsec-30 tion (2) (g) cease to apply to or in respect of him and the Commission in any case where he becomes a contributor to such another superannuation scheme.

(4) Subsection (3) does not prevent the payment to a member upon his ceasing to be a contributor to a super-35 annuation scheme of such amount as would have been payable to him if he had ceased, by reason of resignation, to be an officer or employee for the purposes of that scheme.

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(5) A member shall not, in respect of the same period of service, be entitled to claim a benefit under this Act and another Act.

12. A member who was, immediately before his appoint- Member 5 ment as a member, an officer of the Public Service and who to receases to be a member, otherwise than pursuant to section appointment to Public 10 (1) (paragraph (g) excepted) or section 10 (2), shall, Service if he is under the age of sixty years, be entitled to be appointed in certain to some office in the Public Service not lower in classification cases.

10 and salary than that which he held immediately before his appointment as a member.

13. (1) The procedure for the calling of meetings of the Meetings Commission and for the conduct of business at those meetings of the Commission. shall, subject to this Act and the regulations, be as determined 15 by the Commission.

(2) The Chairman shall preside at all meetings of the Commission at which he is present and, if he is absent from any meeting and any person appointed under section 7 (5) to act in the office of the Chairman is also absent from

20 that meeting, the Deputy Chairman shall preside at that meeting.

(3) In the absence from a meeting of the Chairman, of any person appointed under section 7 (5) to act in the office of the Chairman and of the Deputy Chairman, a 25 member chosen by the members present may preside at that meeting.

(4) Three members shall form a quorum at any meeting of the Commission and any duly convened meeting of the Commission at which a quorum is present shall be com-

30 petent to transact any business of the Commission and shall have and may exercise and perform all the powers, authorities, duties and functions of the Commission.

(5) In the event of an equality of votes at any meeting of the Commission, the person presiding at the meeting 35 shall have, in addition to a deliberative vote, a second or casting vote.

(6)

(6) Subject to subsection (5), a decision of a majority of the members present at a meeting of the Commission at which a quorum is present shall be the decision of the Commission.

- 5 (7) The Commission shall cause a record of its decisions and full and accurate minutes of the proceedings at its meetings to be kept and shall submit to the Minister a copy of the minutes of each meeting within fourteen days after the day on which it was held.
- 10 (8) No matter or thing done, and no contract entered into, by the Commission, and no matter or thing done by any member or by any other person acting under the direction or as a delegate of the Commission shall, if the matter or thing was done, or the contract was entered into, bona
 15 fide for the purpose of executing this Act or any other Act conferring or imposing powers, authorities, duties or functions on the Commission, subject the member or person so acting personally to any action, liability, claim or demand.
- (9) Nothing in subsection (8) shall exempt any 20 member or other person from liability to be surcharged with the amount of any payment which is disallowed by the Auditor-General, and which that member or other person authorised or joined in authorising.

14. (1) The Governor may appoint and employ, under Staff
25 and subject to the Public Service Act, 1902, such officers and establishment of commission to exercise and perform its powers, authorities, duties and and appointfunctions under this or any other Act, and any such officer officers and or employee shall take office on such day (which may be the employees.
30 appointed day or a day before or after the appointed day,

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but

but may not be before the day appointed and notified under section 2 (b)) as may be specified in the instrument of his appointment.

(2) A person who, immediately before the appointed
5 day, held office under the Public Service Act, 1902, as an officer or employee in any office in the Department of Health or The Hospitals Commission of New South Wales shall be deemed, on that day, to have been appointed and, on and from that day, to be employed under subsection (1) and 10 shall—

- (a) if there is an office in the staff establishment of the Commission that corresponds to the office which he held immediately before the appointed day, be deemed to have been appointed and to be employed in that corresponding office; or
- (b) if there is no such corresponding office, be deemed to have been appointed to such office in the staff establishment of the Commission as may have been determined by the Governor on the recommendation of the Public Service Board.

(3) An officer or employee holding office under this section is, in this Act and in any other Act conferring or imposing powers, authorities, duties or functions on the Commission, referred to as an officer or employee of, or as being 25 employed by, the Commission.

(4) For the purpose of exercising and performing the powers, authorities, duties and functions conferred or imposed on the Commission by this or any other Act, the Commission may, with the approval of the Minister of the 30 Department concerned and on such terms as may be arranged, make use of the services of any of the officers or employees of any Government Department.

(5) The Commission may for the like purpose, with the approval of any other public authority or hospital (within 35 the meaning of the Public Hospitals Act, 1929) or council (within the meaning of the Local Government Act, 1919) make

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make use of the services of any of the officers, servants or employees of that public authority, hospital or council, as the case may be.

15. If a member or other person discloses any information Disclosure of information of this Act or of any other Act conferring or imposing responsibilities, powers, authorities, duties or functions on the Commission and that disclosure is not made—

- (a) with the consent of the person from whom the information was obtained;
- (b) in connection with the administration or execution of this Act or any such other Act;
- (c) for the purposes of any legal proceedings arising out of this Act or any such other Act or of any report of any such proceedings; or
- (d) with other lawful excuse,

that member or other person is guilty of an offence against this Act and, on conviction by a court of summary jurisdiction, liable to a penalty not exceeding \$1,000 or to 20 imprisonment for a term not exceeding six months.

16. (1) In this section—

- "Hospitals Commission" means The Hospitals Commis- Dissolution sion of New South Wales constituted under the of Hospitals Public Hospitals Act, 1929; "Description of Health"
- 25 "Board" means the Board of Health constituted under and the Public Health Act, 1902; abolition of Depart-
 - "Department" means the Department known as the ment of Department of Health or the Department of Public Health. Health.

30 (2) On the appointed day, the Hospitals Commission and the Board are hereby dissolved and the Department is hereby abolished.

- (3) On and from the appointed day—
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- (a) all real and personal property and all right and interest therein and all management and control thereof that, immediately before that day, was vested

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vested in or belonged to the Hospitals Commission or the Board shall vest in and belong to the Commission;

- (b) all moneys and liquidated and unliquidated claims that, immediately before that day, were payable to or recoverable by the Hospitals Commission or the Board shall be moneys and liquidated and unliquidated claims payable to or recoverable by the Commission;
- (c) all proceedings commenced before that day by the Hospitals Commission or the Board and pending immediately before that day shall be deemed to be proceedings pending on that day by the Commission and all proceedings so commenced by any person against the Hospitals Commission or the Board and pending immediately before that day shall be deemed to be proceedings pending on that day by that person against the Commission;
 - (d) all contracts, agreements, arrangements and undertakings entered into with, and all securities lawfully given to or by, the Hospitals Commission or the Board and in force immediately before that day shall be deemed to be contracts, agreements, arrangements and undertakings entered into with and securities given to or by the Commission;
 - (e) the Commission may, in addition to pursuing any other remedies or exercising any other powers that may be available to it, pursue the same remedies for the recovery of moneys and claims referred to in this subsection and for the prosecution of actions and proceedings so referred to as the Hospitals Commission or the Board might have done but for the enactment of this Act;
 - (f) the Commission may enforce and realise any security or charge existing immediately before that day in favour of the Hospitals Commission or the Board and may exercise any powers thereby conferred on

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the Hospitals Commission or the Board as if the security or charge were a security or charge in favour of the Commission;

- (g) all debts, moneys and claims, liquidated and unliquidated, that, immediately before that day, were due or payable by, or recoverable against, the Hospitals Commission or the Board shall be debts due, moneys payable by and claims recoverable against, the Commission; and
- (h) all liquidated and unliquidated claims for which the Hospitals Commission or the Board would, but for the enactment of this Act, have been liable shall be liquidated and unliquidated claims for which the Commission shall be liable.
- 15 (4) On and from the appointed day, a reference in any other Act or in any regulation, by-law or other statutory instrument or in any other document, whether of the same or of a different kind—
 - (a) to the Hospitals Commission or the Board or the Department shall be read and construed as a reference to the Commission;
 - (b) to any officer of the Hospitals Commission, the Board or the Department shall be read and construed as a reference—
 - (i) if there is an office in the staff establishment of the Commission that corresponds to the office held by that officer—to the person holding that office in the establishment of the Commission; or
 - (ii) if there is no such corresponding office, to such office in the staff establishment of the Commission as may be prescribed.

(5) Any act, matter or thing done or omitted to be done before the appointed day by, to or in respect of the 35 Hospitals Commission, the Board, the Department or an officer of the Department shall, to the extent that but for the

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enactment of this Act that act, matter or thing would on or after that day have had any force or effect or been in operation, be deemed to have been done or omitted to be done by, to or in respect of the Commission or an officer of the Commission, whichever of them is, on or after that day, appropriate in relation to the doing or omission to do that act,

matter or thing.

(6) No attornment to the Commission by a lessee from the Hospitals Commission or the Board shall be 10 required.

17. The sums authorised by the Appropriation Act, 1972, Unexpended to be appropriated out of the Consolidated Revenue Fund funds and to be issued and applied for or towards the sub-headings for Minister of expenditure under the heading "Minister for Health" and of Health 15 that would but for this Act have been available for expendi-available for ture in connection with the functions of the Department of Commission.

Health or the Hospitals Commission of New South Wales shall be deemed, to the extent that, at the appointed day, they have not been so issued or applied, to be sums authorised 20 by that Act to be appropriated out of that Fund and to be issued and applied for or towards the corresponding sub-

headings of expenditure in connection with the functions of the Commission.

18. (1) For the purpose of promoting, protecting, powers, 25 developing, maintaining and improving the health and well- authorities, and being of the people of New South Wales to the maximum functions of extent possible having regard to the needs of and resources Commission. available to the State, the Commission shall have and may exercise and perform the following powers, authorities, duties 30 and functions :---

> (a) to initiate, promote, commission and undertake surveys and investigations into the health needs of the people of New South Wales, the resources of the State available to meet those needs and the methods by which those needs should be met;

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(b)

- (b) to inquire into the nature, extent and standards of the health services, facilities and personnel required to meet the health needs of the people of New South Wales and to determine the cost of meeting those needs;
- (c) to plan the provision of comprehensive, balanced and co-ordinated health services throughout New South Wales;
- (d) to recommend to the Minister the programmes and methods by which the health needs of the people of New South Wales may be met;
- (e) to advise, report to and make recommendations to the Minister in respect of any matter relating to the health of the people of New South Wales;
- (f) to provide, conduct, operate and maintain and where necessary to improve and extend any health service or any ancillary or incidental service and to construct any buildings or works necessary for or in connection with any such service;
- (g) to enter into any agreement or arrangement for any other person to provide, conduct, operate and maintain any health service;
 - (h) to undertake, promote and encourage research in relation to any health service;
- (i) to promote and facilitate the provision of health services by any council (within the meaning of the Local Government Act, 1919) or by any other body or person;
 - (j) to promote and facilitate the provision by any Government Department, statutory authority, other body or person of social welfare services necessary or desirable to complement any health service;
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- (k) to promote and facilitate the provision of the professional, technical or other education or training of any persons employed or to be employed in the provision of any health service;
- to promote and facilitate the raising of funds by means of public appeal or otherwise by any body, institution, association or person for the purpose of the provision of health services;
- (m) to promote and facilitate a system of health care for the people of New South Wales provided by private bodies, institutions, associations and persons, as well as by the Commission and other public bodies; and
- (n) to do such supplemental, incidental or consequential acts as may be necessary or expedient for the exercise and performance of its powers, authorities, duties and functions under the foregoing provisions of this subsection.
- (2) Nothing in subsection (1) takes away or affects20 the responsibilities, powers, authorities, duties or functions conferred or imposed by or under any other Act or any regulation, ordinance or by-law made under any other Act and relating to the provision by any person of health services, social welfare services or other services.
- 25 (3) The Commission shall designate one of its members who shall be responsible for ensuring that proper regard is had to the interests of private bodies, institutions, associations and persons when the Commission exercises or performs any of its powers, authorities, duties or functions 30 under this or any other Act.

19. (1) The Commission may, for the purpose of exer- Acquisition cising or performing its powers, authorities, duties or func- of land. tions under this or any other Act, acquire land by purchase, lease or exchange or, in accordance with the provisions of this 35 section, by way of resumption or appropriation.

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(2) Without limiting the generality of subsection (1), the Commission may acquire in any manner authorised by subsection (1)—

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- (a) any land of which that proposed to be acquired under this section forms part; and
- (b) any land adjoining or in the vicinity of any land proposed to be acquired under this section.

(3) For the purpose of the acquisition, under subsection (1), by the Commission of land by resumption or 10 appropriation, the Governor may, under the Public Works Act, 1912, resume any land or appropriate any land vested in Her Majesty or in any person in trust for Her Majesty.

(4) A resumption or appropriation effected in accordance with subsection (3) shall be deemed to be for 15 an authorised work within the meaning of the Public Works Act, 1912, and the Commission shall, in relation to that authorised work, be deemed to be the Constructing Authority within the meaning of that Act.

(5) Sections 34, 35, 36 and 37 of the Public Works20 Act, 1912, do not apply to expenditure on any works constructed for the purposes of this Act, but section 38 of that Act applies to any such expenditure.

20. The Commission may, with the approval of the Min-Disposal ister and subject to such terms and conditions as the Minister of land.
25 may attach to his approval, sell, lease, exchange or otherwise deal with or dispose of land that has been acquired by the Commission under this Act, or any part thereof, and may with the like approval and subject to the like terms and conditions, grant easements or rights-of-way over any such land or any 30 part thereof.

21. (1) The Commission may make and enter into con-Contracts. tracts or agreements with any person for the performance of services, or for the supply of goods, plant, machinery or material with respect to the exercise or performance by the
35 Commission of its powers, authorities, duties and functions under this or any other Act.

(2) Any such contract or agreement shall be deemed, for the purposes of the Constitution Act, 1902, to be a contract or agreement for or on account of the Public Service of New South Wales.

(3) The Commission may, on such terms and conditions as may be agreed upon, sell or let out on hire any goods, plant, machinery or material acquired by it under this or any other Act.

22. (1) The Commission may by instrument in writing Delegation.
10 delegate to the holder of any prescribed office the exercise or performance of such of the powers (other than this power of delegation), authorities, duties or functions conferred or imposed on the Commission by or under this or any other Act as may be specified in the instrument of delegation and
15 may in like manner revoke wholly or in part any such delegation.

(2) A power, authority, duty or function, the exercise or performance of which has been delegated under this section may, while the delegation remains unrevoked, be20 exercised or performed from time to time in accordance with the terms of the delegation.

(3) A delegation under this section—

(a) may be made subject to such conditions or such limitations as to the exercise or performance of any of the powers, authorities, duties or functions delegated, or as to time or circumstances, as may be specified in the instrument of delegation; and

(b) if made before the appointed day may be made with respect to powers, authorities, duties or functions that the Commission is or will, after that day, be empowered or required, by or under this or any other Act, to exercise or perform, but, in so far as it is made with respect to powers, authorities, duties or functions that the Commission will be empowered or required to exercise or perform after that day, shall not have any force or effect until that day.

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(4) Notwithstanding any delegation made under this section, the Commission may continue to exercise or perform all or any of the powers, authorities, duties or functions delegated.

- 5 (5) Any act or thing done or suffered by a delegate while acting in the exercise of a delegation under this section shall have the same force or effect as if the act or thing done had been done or suffered by the Commission and shall be deemed to have been done or suffered by the Commission.
- 10 (6) This section does not authorise the delegation of the power of the Commission to conduct a hearing referred to in section 11B of the Public Hospitals Act, 1929.

23. (1) The Minister shall appoint a Health Advisory Appoint-Council and a Professional Services Advisory Council.

ment of Health Advisory Council and other advisory

(6)

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- (2) A council appointed under subsection (1)— Advisory Council a
 (a) shall carry out investigations or inquiries into, and other advisory report or advise in respect of, such matters as the bodies. Minister may from time to time direct or the Commission may from time to time request; and
- (b) may carry out investigations or inquiries into, and report or advise in respect of, such matters as the council from time to time determines and the Minister may approve.

(3) For the purpose of any such investigation,25 inquiry, report or advice, the Commission shall provide all such information and assistance as may be available to the Commission and as the council may request of it.

(4) The Minister may appoint such other councils, committees and advisory bodies as he may consider30 appropriate.

(5) A council, committee or advisory body appointed under subsection (4) shall have such functions as the Minister or the Commission may from time to time direct.

(6) A council, committee or advisory body appointed under subsection (1) or (4) shall consist of a person appointed as chairman by the Minister and such other persons appointed by the Minister as he thinks fit.

5 (7) The chairman and other members so appointed shall hold office for such term as the Minister may specify in respect of each of them in the instruments of their appointment and any such appointment may be terminated by the Minister at any time.

10 (8) The chairman and any other member of a council, committee or advisory body appointed under subsection (1) or (4), if he is not a member of the Public Service, shall be paid such fees and allowances as may be from time to time determined by the Minister.

24. The Commission shall cause to be kept, in accord- Accounts to 15 ance with the directions, if any, given to it by the Treasurer, Commission. proper books of account relating to the assets and liabilities of the Commission and to the moneys received or expended by the Commission for the purpose of the exercise and per-

20 formance of its powers, authorities, duties and functions under this or any other Act.

25. (1) The accounts of the Commission shall be Audit. audited and reported upon by the Auditor-General who shall have, in respect thereof, all the powers conferred on him by 25 any law for the time being in force relating to the audit of

public accounts, and the Audit Act, 1902, shall apply to members of the Commission and to officers and employees employed in the administration of this Act and any other Act under which powers, authorities, duties or functions are con-

30 ferred or imposed on the Commission in the same manner as it applies to accounting officers of public departments.

(2) The Auditor-General shall report to the Commission and the Minister-

(a) whether or not in his opinion—

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(i) due diligence and care have been shown in the collection and banking of moneys payable to the Commission;

(ii)

- (ii) expenditure incurred has been duly authorised, vouched and supervised; and
- (iii) any of the moneys or other property of the Commission or over which it has control have been misappropriated or improperly or irregularly dealt with; and
- (b) as to any other matters which in his judgment call for special notice or which are prescribed.

26. In any legal proceedings by or against the Commis-Proof of 10 sion no proof shall be required (until evidence is given to the certain contrary) of—

(a) the constitution of the Commission;

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- (b) any resolution of the Commission;
- (c) the appointment of any member or any officer or employee of the Commission; or
- (d) the presence of a quorum at any meeting of the Commission.

27. Any notice, summons, writ or other proceeding Manner of required to be served on the Commission may be served by certain
20 being left at an office of the Commission, or, in the case documents of a notice, by posting it addressed to the Commission at one on Commission. of its offices.

28. Every summons, process, demand, order, notice, Authenticastatement, direction or document requiring authentication by tion of certain
25 the Commission may be sufficiently authenticated without the documents seal of the Commission if signed by the Secretary or by any of Commission.
other officer or employee authorised to do so by the Commission.

29. (1) Proceedings in respect of any damage or injury Notice of 30 to a person or to property shall not be commenced against the action. Commission or any member, officer or employee of the Commission or any person acting in its or his aid for anything done

done or intended to be done or omitted to be done under this or any other Act, until the expiration of one month after notice in writing has been served on the Commission, member, officer, employee or person as provided in this section.

- (2) The notice shall state—
- (a) the cause of action;
- (b) the time and place at which the damage or injury was sustained; and
- (c) the name and place of abode or business of the intended plaintiff and of his attorney, if any, in the case.

(3) In the case of damage to property, any person who produces on demand his authority from the Commission shall be permitted to inspect the property damaged, and all15 facilities and information necessary to ascertain fully the value of the property damaged and the amount of money, if any, expended in repairing the damage shall be given to him.

(4) At the trial of any such action the plaintiff shall not be permitted to go into evidence of any cause of action
20 that is not stated in the notice, and unless the notice has been served the plaintiff shall not be entitled to maintain the action, but at any stage of the proceedings the court in which the action is pending may, if the court deems it to be just or reasonable in the circumstances so to do—

- 25 (a) amend any defect in the notice on such terms and conditions, if any, as the court may fix; or
 - (b) direct that any non-compliance or insufficient compliance with this section shall not be a bar to the maintenance of the action.
- 30 (5) Every such action shall be commenced within the period (in this section referred to as the "prescribed period") of twelve months next after the cause of action arises but, where an application is made to the Supreme Court

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for an extension of the prescribed period, that court may, if it is satisfied that sufficient cause has been shown or that, having regard to all the circumstances of the case, it would be reasonable so to do, make an order for extension of the 5 prescribed period for such further period and subject to such terms and conditions, if any, as may be set out in the order.

(6) Any such application for extension may be made either within the prescribed period or at any time within twelve months thereafter.

10 (7) The Commission or any member, officer, employee or person to whom any such notice of action is given, may tender amends to the plaintiff, his attorney or agent at any time within one month after service of notice of action, and if the tender is not accepted may plead the tender as a 15 defence to the action.

(8) This section is in aid and not in derogation of the provisions of any other Act conferring or imposing powers, authorities, duties or functions on the Commission.

30. Any charge, fee or money due to the Commission, or Recovery 20 to the Crown, in respect of any of the activities of the Com- of charges mission under the provisions of this or any other Act or any mission. regulation or by-law may be recovered by the Commission as a debt in a court of competent jurisdiction.

31. (1) As soon as practicable after the thirtieth day of Annual 25 June in each year the Commission shall prepare and submit ^{report.} to the Minister a report of its work and activities for the twelve months preceding that date.

(2) The Minister shall lay that report or cause it to be laid before both Houses of Parliament as soon as 30 practicable after the receipt by him of the report.

(3) A report under subsection (1) may include any report required to be made annually by the Commission under any other Act.

(4)

(4) In so far as a report under subsection (1) includes any matter that relates to a period in respect of which a report is required to be made annually by the Commission under any other Act, the provision of that other Act which
5 requires the report to be made in respect of that period has

no operation.

32. The Governor may make regulations, not inconsis- Regulations. tent with this Act, for or with respect to any matter which by this Act is required or permitted to be prescribed or which
10 is necessary or convenient to be prescribed for the carrying out or giving effect to this Act.

33. (1) Each Act specified in Column 1 of the Schedule Amendment is amended in the manner set forth opposite that Act in $\frac{\text{of certain}}{\text{Acts.}}$ Column 2 of the Schedule.

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(2) The amendments to—

- (a) the Noxious Trades (Amendment) Act, 1957, effected by this section and the Schedule shall commence on the day on which that Act commences;
- (b) the Public Health (Amendment) Act, 1944, so effected shall—
 - (i) in so far as they amend section 6 (1) (b), commence on the day on which section 6 (1) (b) commences; and
 - (ii) in so far as they amend section 7 (1), commence on the day on which section 7 (1) commences; and
- (c) the Therapeutic Goods and Cosmetics Act, 1972, so effected shall, if that Act has not commenced on the appointed day, commence on the day on which that Act commences.

(3) The Broken Hill Abattoirs, Markets, and Cattle Sale-yards Act does not, by reason of its being amended by subsection (1) and the Schedule, become a Public Act.

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34. (1) The continuity of any body constituted by or Savings. under any Act is not prejudiced or affected by the operation of section 16 (4) (b) or of section 33 and the Schedule and, where a member or an officer or employee of the Commission
5 takes office as a member of any such body by reason of the operation of section 16 (4) (b) or of section 33 and the Schedule, he shall, subject to the provisions of the Act or the instrument (being an instrument made under an Act) under which the body is constituted, hold office in the place of his 10 predecessor in that office and, if the appointment of his predecessor in that office was for a specified term, for the balance of that term unexpired on the appointed day.

(2) A member of The Hospitals Commission of New South Wales, who is a member of the Commission at
15 any time during the period commencing on the day appointed and notified under section 2 (b) and ending on the appointed day, shall not be deemed to have vacated his office as a member of The Hospitals Commission of New South Wales by reason only of his engaging, during that period, in paid
20 employment as a member of the Commission.

(3) The provisions of the Public Hospitals Act, 1929, or of the Public Service Act, 1902, do not prevent a member of The Hospitals Commission of New South Wales or an officer under the Public Service Act, 1902, who at any 25 time during the period commencing on the day appointed and notified under section 2 (b) and ending on the appointed day, is a member of the Commission, from carrying out, during that period, the duties of his office as a member of the Commission.

30 35. A person who, immediately before the appointed day, Members of was a member of The Hospitals Commission of New South Hospitals Commission Wales and who ceases to be such a member by reason of the ceasing to operation of any of the provisions of this Act is not entitled hold office to be paid any remuneration or compensation by reason of the compensation.

Health Commission.

SCHEDULE.

Sec. 33.

AMENDMENTS OF ACTS.

PART 1.

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| | Colu | ımn 1. | Column 2. |
|----|-------------------------------|--|--|
| 5 | Year and number of Act. | Short title of Act. | Amendment. |
| 10 | Private | Broken Hill Abattoirs, Markets, and Cattle Sale- yards Act | Section 13— (a) Omit "Board of Health", insert instead "Health Commission of New South Wales"; |
| 15 | | | (b) Omit "that Board", insert instead "that Commission". |
| | 1961, No. 69 | Clean Air Act, 1961 | Section 5 (1)— |
| 20 | | in Cale of Sta and the state | (a) From the definition of "Authorised officer" omit "Under Secretary" wherever occurring, insert instead "Commission"; |
| 25 | | | (b) Insert next after the definition of "Chimney" the following new defini- tion:— "Commission" means the Health |
| 30 | | | Commission of New South Wales constituted under the Health Commission Act, 1972. (c) Omit the definitions of "Department" and "Under Secretary". |
| | | | Section 6 (2) (a)— |
| 35 | | | Omit the paragraph, insert instead the following paragraph:— (a) a member of the Commission from time to time nominated by the Commission or an officer of the Commission from time to time so nominated; and. |
| 40 | | | Sections 6 (2) (b) (i); 11 (2); 22; 29— |
| | | an a | Omit "Department" wherever occurring, insert instead "Commission". |
| | | i tal secolari Secolaria da | Sections 8 (2); 11; 12; 13 (3); 16; 17; |
| | | | 20 (3); 23; 26 (1) (a); 32 (1) (c)— |
| 45 | | ndela. | Omit "Under Secretary" wherever occur- ring, insert instead "Commission". |
| | | | SCHEDULE |

| | Health Commission. SCHEDULE—continued. | | | |
|----|---|---|---|--|
| | | | | |
| | Column 1. | | Column 2. | |
| 5 | Year and number of Act. | Short title of Act. | Amendment. | |
| 10 | 1961, No. 69 —continued | Clean Air Act, 1961—con- tinued | Sections 16 (6); 17 (3)— Omit "his" wherever occurring, insert "its". Section 23— | |
| | esta duna | al hiskoi 1 hiskoi 1 hiskoi | (a) Omit "him or"; (b) Omit "he or". | |
| | E.A. | btarni v ka ji | Section 30— | |
| 15 | h-in | an or South Time South | (a) Omit "the Under Secretary or any prescribed officer", insert instead "a member of the Commission or by an officer of the Commission authorised generally or specially by the Commis- | |
| 0 | | officient (g.M.) Storger voller (g. | sion to do so"; (b) After "character" insert "or authority". | |
| | 1970, No. 78 | Clean Waters Act, 1970 | Sections 3; 8 (2); 11; 12; 14 (3); 16 (4); 19; 20; 22; 23; 25; 27 (1); | |
| 5 | | 1.143 | 28; 31; 32 (3) (j); 36 (1)— | |
| | | | Omit "Under Secretary" wherever occur- ring, insert instead "Commission". | |
| | | dag | Section 5— | |
| 0 | | Essenti conit of Contra sector al protocologi Salar textual al al textual | (a) From the definition of "authorised officer" omit "Under Secretary", insert instead "Commission"; (b) From the definition of "classified waters" omit "Under Secretary", insert | |
| 35 | | 10000 - 11779 (Crive 2 | (c) Insert next after the definition of "classified waters" the following new definition:— "Commission" means the Health | |
| 0 | | | Commission in the freatth Commission of New South Wales constituted under the Health Commission Act, 1972; (d) Omit the definitions of "Department" and "Under Secretary". | |

SCHEDULE

SCHEDULE—continued.

| | Cole | umn 1. | Column 2. |
|----|-------------------------------|--|---|
| 5 | Year and number of Act. | Short title of Act. | Amendment. |
| 10 | 1970, No. 78 —continued | Clean Waters Act, 1970 — continued | Section 6 (2) (a)— Omit the paragraph, insert instead the following paragraph:— (a) a member of the Commission from time to time nominated by the Commission or an officer of |
| 15 | | * 14 * 10 10 10 | the Commission from time to time so nominated; and. |
| | | u shri pu cou stan sime | Section 12— |
| | | e Sal Sila during anno 1994 - Dina anno 1994 - Dina anno 199 | Omit "he", insert instead "it". |
| | | | Section 13 (2)- |
| 20 | Inn Brit | la Colorada Al Den Argeta - Las RecCalencist - Las | Omit "Under Secretary who", insert instead "Commission which". |
| | i bia - | 2011 XX 1 1 14 | Section 14 (3)— |
| | | | Omit "he", insert instead "it". |
| | 1 - 14 - 14 - 14 | | Section 20— |
| 25 | | | (a) Omit from subsection (4) (a) "he", insert instead "it"; (b) Omit from subsection (5) "his", insert instead "its"; |
| 30 | | | (c) Omit from subsection (6) "his" where firstly occurring, insert instead "its"; (d) Omit from subsection (7) "Under Secretary's", insert instead "Commission's". |
| | | | Section 25 (5)- |
| 35 | | | (a) Omit "he", insert instead "it";(b) Omit "his", insert instead "its". |
| | | | Section 28 (1)- |
| | | | (a) Omit "him", insert instead "it";(b) Omit "he", insert instead "it". |

Health Commission.

SCHEDULE—continued.

| | Colu | mn 1. | Column 2. |
|---------------------|-------------------------------|---|--|
| | Year and number of Act. | Short title of Act. | Amendment. |
| 1 0 5 | 970, No. 78 —continued | Clean Waters Act, 1970— continued | Section 32— (a) Omit from subsection (1) "the Under Secretary", insert instead "a member of the Commission, an officer of the Commission authorised generally or specially by the Commission to do so"; (b) Omit from subsection (2) "the Under Secretary or"; (c) Omit from subsection (3) "the Under Gruther Commission (3) "the Under Secretary or Secr |
| 5 | hard | u" Le mi promi . "est v de | (c) Omit from subsection (3) "the Under Secretary" where firstly occurring, insert instead "a member of the Com- mission or by an officer of the Com- mission authorised generally or specially by the Commission to do so"; (d) Omit from subsection (4) (a) "the Under Secretary", insert instead "a member of the Commission or by an officer of the Commission authorised by the Commission to certify the document". |
| 0 | 140 | сан (а) с.). (с.). стария | Section 33 (2)— Omit "officer of the Department", insert instead "member or officer of the Commission". |
| 5 ¹ | 1919, No. 6 | Conveyancing Act, 1919 | Section 85 (1) (c)— Omit "Board of Health", insert instead "Health Commission of New South Wales". |
| 0 ¹ 5 | 1915, No. 45 | Dairy Industry Act, 1915 | Section 5 (4)— Omit "vested in the Board of Health at the date of the passing of this Act", insert instead "which were vested in the Board of Health at the date of the passing of this Act and are exercisable by the Health Commission of New South Wales". |

Health Commission.

SCHEDULE—continued.

| | Colu | ımn 1. | Column 2. |
|----|--------------------------------|--|--|
| 5 | Year and number of Act. | Short title of Act. | Amendment. |
| | 1915, No. 45 —continued | Act, 1915- | a state of the second state of the second state of the |
| 10 | 13.02 | continued | Omit "Board of Health", insert instead "Health Commission of New South Wales". |
| | 1.8 | ning and the | is to represent to |
| | 1970, No. 29 | Dairy Industry Authority | Section 36 (2)— |
| 15 | | Act, 1970 | Omit "Director-General of Public Health" insert instead "Health Commission of New South Wales". |
| | | note internet of | Section 89 (3)— |
| 20 | -12 | annin 19 m | Omit "Board of Health", insert instead "Health Commission of New South Wales". |
| | 1934, No. 10 | Dentists Act, 1934 | Section 3 (1)— |
| 25 | 10 10 911 | nici e d'a de la | Insert next before the definition of "'Dental Board' or 'Board'" the following new definition:— "Commission" means the Health |
| 30 | -m- | on no car an hoan , an | Commission of New South Wales constituted under the Health Commission Act, 1972. |
| | | | Section 4— |
| | | n (n (n (s)) | (a) Omit from subsection (1) "the Under Secretary, Department of Health, or a |
| 35 | al a -510 South Cruth | (4) Protecting and protection and the off the O off off off annual of the O annual | person from time to time nominated by him", insert instead "a member of the Commission from time to time nominated by the Commission or an officer of the Commission from time to time so nominated"; |
| 10 | rba bitic the | 01 201 2010 (1000 20 00000) (11 1000 20 0000 (11 1000000 00000 00000 | (b) In subsection (5) after "public servant" insert "or a member of the Com- mission". |

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Health Commission.

SCHEDULE—continued.

| | Colu | mn 1. | Column 2. |
|----------|---|--|---|
| 5 | Year and number of Act. | Short title of Act. | Amendment. |
| 10 | 1934, No. 10 —continued | Dentists Act, 1934—con- tinued | Section 10 (1) (e)— In subparagraph (i) after "dentist" insert "employed by the Commission or of a dentist"; In subparagraph (ii) after "State or" insert "in the service of the Commission or". |
| 15 | | au saine nai | Section 10A (2)— In paragraph (a) after "dentist" insert |
| 20 | | Printing Order | "employed by the Commission or of a dentist"; In paragraph (b) after "State or" insert "in the service of the Commission or". |
| | fing Iste | en right dil 12 de la con | Section 10D (4)— Omit "Director of State Psychiatric Ser- vices", insert instead "Commission". |
| | | | Section 12 (3) (b1)— |
| 25 30 | | etti la obbie entimedia al 14 sili ettimi 2 ta ettimi 2 ta etti 2 ta etti 2 ta ettimi 2 ta | (a) Omit "and attached to the Division of Dental Services of the Department of Health", insert instead "who are officers or employees of the Com- mission"; (b) Omit "such Division", insert instead "the Commission". |
| | | | Section 12A— |
| 35 | 76,0 1,75 2,55 2,55 2,55 2,55 3,55 2,55 2,55 2,5 | na oli oli oli oli oli Sulla da constante estatuta de const oli | (a) Omit subsection (2) (b) (i), insert instead the following subparagraph:— (i) two persons each of whom is either a member of the Commission from time to time nominated by the Commission or an officer of the Commission |
| 40 | -03 | erna tribun" na Oriada "terna" Neg | from time to time so nominated; (b) In subsection (2) (c) after "Public Service" insert "or a member of the Commission". |

SCHEDULE—continued.

| | Col | umn 1. | Column 2. |
|----------|-------------------------------|--|--|
| 5 | Year and number of Act. | Short title of Act. | Amendment. |
| 10 15 | 1957, No. 58 | Public Water | Section 3— Omit the definition of "Board", insert instead the following definition:— "Commission" means the Health Commission of New South Wales constituted under the Health Commission Act, 1972. |
| | 18 | ani gaine an | Section 4— |
| 20 25 | | an "nos acuto nos acuto no | (a) Omit subsection (2) (a), insert instead the following paragraph:— (a) a member of the Commission from time to time nominated by the Commission or an officer of the Commission from time to time so nominated; and; (b) In subsection (9) after "Public Service" insert "or a member of the Commission". |
| | | on "fatig-al | Sections 5; 6; 7; 11 (1) (paragraph (b) excepted)— Omit "Board" wherever occurring, insert |
| 30 | | | instead "Commission". |
| | | | Section 6 (2)— |
| | Л | em" miles i un "toòlaithan | Omit "Board's" wherever occurring, insert instead "Commission's". |
| | 1920, No. 48 | Food Preser- | Section 3— |
| 35 | | vation by Sulphur Di- oxide Enab- | (a) Omit the definition of "Board", insert instead the following defini- |
| 40 | | ling Act, 1920 | tion: "Commission" means the Health Commission of New South Wales constituted by the Health Commission Act, 1972. |

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SCHEDULE—continued.

| | Colu | mn 1. | Column 2. |
|-----|-------------------------------|---|---|
| | Year and number of Act. | Short title of Act. | Amendment. |
| 0 | 1920, No. 48 —continued | Food Preserva- tion by Sul- phur Dioxide Enabling Act, 1920—con- tinued | Section 3—continued (b) From the definition of "Local authority" omit "board", insert instead "Commission"; (c) From the definition of "Officer" omit "board", insert instead "Commission". |
| 5 | | ne-roa Act, tv. | Sections 4; 6— |
| | | noni trodii (14) — Mau | Omit "board" wherever occurring, insert instead "Commission". |
| 20 | 1934, No. 57 | Government Guarantees Act, 1934 | Section 3 (1)— (a) Omit "Hospitals Commission", insert instead "Health Commission"; (b) After "incorporated hospital" insert ", associated organisation". |
| | | Arrenting (1) | Section 4 (e)— |
| 2.5 | | eo manaza | After "incorporated hospital" insert ", associated organisation". |
| | 1940, No. 2 | Industrial Arbi- tration Act, | Section 15 (8)— |
| 30 | | 1940 | Omit "Hospitals Commission", insert instead "Health Commission". |
| | | | Section 88A— Omit:— |
| 35 | | n oli i te uv let i prioreti i let i prioreti i let i chi i te let i chi al tem | Wales, The Hunter District Water Board, and The Hospitals Commission of New South Wales. Insert instead:- |
| 10 | | | Wales, and The Hunter District Water Board. |

SCHEDULE

Health Commission.

SCHEDULE—continued.

| | Colu | mn 1. | Column 2. |
|---|--|--|--|
| | Year and number of Act. | Short title of Act. | Amendment. |
| 0 | 1912, No. 24 | Inebriates Act, 1912 | Omit "Inspector-General of the Insane, and during his absence from the State or his inability to act from illness or other cause, of the deputy Inspector- |
| 5 | ninzait mga tin Laman | | General", insert instead "Health Commission of New South Wales". |
| | 10 - 1917 | | Section 24— |
| 0 | | Pred II., in posi- ingen and inclusion in additional (Marca) in the future of the internet of the second second in the second second second second in the second second second second in the second second second second second in the second second second second second second second se | (a) Omit "the Inspector-General of the Insane, or such person as he may depute,", insert instead "a member of the Health Commission of New South Wales or an officer of that Commission authorised by that Commission in that behalf"; |
| | -2 Voien No prime | and the for said fill and the said fill the spec- transfer of the said of the spectrum of the | (b) Omit "or his deputy". |
| 5 | ninga nin ninga ninga ninga ninga ninga ninga ni ni ni ni ni ni ni ni ni ni ni ni ni | erice rate, liter, liter, liter tarte - stati tarti se horfourier tartitari (- c | Section 29 (1)— |
| | | | Omit "the Chief Government Medical Officer, the Inspector-General of the Insane, and the Comptroller-General of Prisons", insert instead "two |
| 0 | | | persons, each of whom is either a member of the Commission from time to time nominated by the Commission |
| | | | or an officer of the Commission from time to time so nominated, and the Commissioner of Corrective Services". |
| 5 | | niisk oni suñi | Den Trend (a) Oto Church (b) |
| | 1953, No. 41 | Pensions Act, | Section 5— |
| 0 | | 1953 | Omit "Director-General of Public Health" insert instead "Health Commission of New South Wales". |

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Health Commission.

SCHEDULE—continued.

| | Col | umn 1. | Column 2. |
|----------------------------|-------------------------------|--|---|
| 5 | Year and number of Act. | Short title of Act. | Amendment. |
| 10 15 20 25 30 | 1937, No. 8 | King George V and Queen Mary Mater- nal and Infant Welfare Foundation Act, 1937 | Omit the definition of "Ex-officio member". |
| 10 | | ernin (nur. 1919) - Angel 1919 | Section 7— (a) from paragraph (e) omit "Governor; or", insert instead "Governor."; (b) omit paragraph (f). |
| 5 | 1919, No. 41 | Local Govern- ment Act, 1919 | (a) Insert next after the definition of "Grants Commission" the following new definition:— "Health Commission" means the Health Commission of New |
| 50 | ta holer | a da 1995 fansara Gina - Angeland | South Wales constituted under the Health Commission Act, 1972. |

SCHEDULE—continued.

| | Colu | imn 1. | Column 2. |
|---|---|--|--|
| | Year and number of Act. | Short title of Act. | Amendment. |
| 0 | 1919, No. 41 —continued | Local Govern- ment Act, 1919—con- tinued | (b) In the definition of "'Statutory body, or 'statutory body representing the Crown," after "Metropolitan Meat Industry Board," insert "Health Com- mission of New South Wales,". |
| 5 | ada na a | tippit for investig | Sections 94 (1); 299A (2); 640— Omit "Board of Health" wherever occurring, insert instead "Health Commission". |
| 0 | Linsen b Board lo grass do the coup | utus of this Act were visited to a ordiate of the co arts exercisable (sation of New | Section 94 (1)— Omit "board", insert instead "Com- mission". |
| 5 | Bosid" Abanti | form saint's aorigide sa aorigide saint's | Section 132 (1)— Insert after paragraph (d) the following new paragraph:— (d1) land which is vested in the Crown or the Health Commis- sion and is used or occupied by the Health Commission for the purposes thereof; and. |
| 0 | | and to dolla and the offering of the anti-the | Section 299— Omit "Hospitals Commission of New South |
| 5 | nea n ci birren | ง กรรรมสร้าง ณัง เราะ รุธธรรม ไป อะจำสุดิจ หมายน้ำ เรา (6,18 หมายน้ำ | Wales constituted under the Public Hospitals Act, 1929, to the extent prescribed in the regulations made under that Act", insert instead "Health Commission, to the extent prescribed in the regulations made under the Public Hospitals Act, 1929". |
| 0 | abiesis 20 ber 10 main orto "har ne sistem | nar of the Cal oranismo exam- minister of an oraniser fram- transmitter variet "public oran a ch the C | Section 591 (c)— Omit "Board of Health, appointed by that board", insert instead "Health Com- mission appointed by that Com- mission". |

Health Commission.

SCHEDULE—continued.

| | Colu | ımn 1. | Column 2. |
|----|-------------------------------|---|--|
| 5 | Year and number of Act. | Short title of Act. | Amendment. |
| 10 | 1919, No. 41 —continued | Local Govern- ment Act, 1919—con- tinued | Section 654 (5) (h)— Omit the paragraph, insert instead the following paragraph:— (h) the Health Commission. |
| 20 | 1915, No. 69 | Meat Industry Act, 1915 | Section 4 (4)— Omit "vested in the Board of Health at the date of the passing of this Act", insert instead "which were vested in the Board of Health at the date of the passing of this Act and are exercisable by the Health Commission of New South Wales". |
| :5 | 1938, No. 37 | Medical Practi- tioners Act, 1938 | Section 3 (1)— Insert next after the definition of "Board" the following new definition:— "Commission" means the Health Commission of New South Wales constituted under the Health Commission Act, 1972. |
| 0 | | | Section 5— |
| 5 | | | (a) After "which" in subsection (1) insert "(except the member referred to in paragraph (a) of subsection (3))"; (b) Omit subsection (3) (a), insert instead the following paragraph:— (a) a member of the Commission from time to time nominated by the Commission or an officer of the Commission from time to |
| 0 | -1100 / | Biolin of States | time so nominated; (c) In subsection (8) after "public servant" insert "or a member of the Commission". |

SCHEDULE—continued.

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| Colu | mn 1. | Column 2. |
|--|--|--|
| Year and number of Act. | Short title of Act. | Amendment. |
| 1938, No. 37 —continued | Medical Prac- titioners Act, 1938—con- tinued | Omit the paragraph, insert instead the following paragraph:— (b) a member of the Commission who is a medical practitioner from time to time nominated by the Commission, or an officer of the Commission, who is a medical practitioner, from time to time so nominated; and. |
| | | Section 30 (2)— Omit the subsection, insert instead the following subsection:— (2) Where a registered person becomes a patient, or a voluntary |
| Constant of the second se | | patient, within the meaning of the Mental Health Act, 1958, the pre- scribed person shall, in the prescribed manner and within the prescribed time, cause a notice of that fact to be forwarded to the secretary to the board. |
| a malada | alon te di 1 oguna Material - Trans | Section 34 (2) |
| | | Omit the subsection, insert instead the following subsection:— (2) The committee shall consist of three members, of whom— (a) two shall be persons from time to time nominated by the Commission; and |
| | | (b) one shall be a member of the board from time to time nom- inated by the board. |
| in the second | | Sections 43 (2); 45 (1)— |
| | ang saa s | Omit "Board of Health" wherever occur- ring, insert instead "Commission". |

Health Commission.

SCHEDULE—continued.

| | Col | umn 1. | Column 2. |
|---|-------------------------------|---|--|
| | Year and number of Act. | Short title of Act. | Amendment. |
| | 1958, No. 45 | Mental Health Act, 1958 | Section 4— |
| 0 | | | (a) Insert next after the definition of "Authorised hospital" the following new definitions:— "Authorised officer", in relation to |
| 5 | | andi norde ar da an draidhna da raidhlinn an coilean an | any power, authority, duty or function conferred or imposed upon authorised officers by this Act, means a person appointed under section 7 to be an |
| 0 | | torati resui a | authorised officer and who is entitled to exercise or perform that power, authority, duty or function. "Commission" means the Health |
| 5 | | fonds – " registrated built or e sch fler massimm Arte tradit o | Commission of New South Wales constituted under the Health Commission Act, 1972. (b) Omit the definition of "Director"; (c) Omit the definition of "Superintend- |
| 0 | | nan yan di usa Kada dan di usa Kada Mala Lasa Usan Kata Sala | ent", insert instead the following definition:— "Superintendent", in relation to an admission centre, a menta hospital or an authorised |
| 5 | | constitutional | hospital, means the person having charge of that admission centre, mental hospital on authorised hospital. |
| | | erro Pede sotir — Inulia | Section 7— |
| 0 | 5411H | nai seran 175el 11. basaran 12. basaran 12. basaran 12. basaran | (a) Omit subsections (1) and (2), inserinstead the following subsections:— (1) The Commission may appoint one or more members or officers of |
| 5 | 1460 | inso rolli | the Commission to be authorised officers who, subject to subsection (2) shall have and may exercise and perform the powers, authorities, duties and functions conferred or imposed |
| 0 | | talar oʻli Oʻshritari Pʻsa Soʻship oʻshishirid | upon authorised officers by this Act. (2) An instrument appointing ar authorised officer may specify the powers, authorities, duties and func tions that may be exercised of |

SCHEDULE—continued.

| | Col | umn 1. | Column 2. |
|-------------|---|---|--|
| | Year and number of Act. | Short title of Act. | Amendment. |
| 0 5 0 | 1958, No. 45– continued | Mental Health Act, 1958– continued | Section 7—continued performed by that authorised officer and that authorised officer shall not be entitled to exercise or perform any powers, authorities, duties or functions conferred or imposed by this Act or authorised officers other than those specified by the instrument of his appointment. (2A) An authorised officer shall, in the exercise or performance of his powers, authorities, duties and func- |
| , | | o na mnadar "a bashi shipin a Aff | powers, authorities, duties and func- tions under this Act, be subject to the control and direction of the Commis- sion. |
| 5 | | 1841 (1) (1) (1) 1841 (1) (1) (1) (1) | (2B) The Commission shall cause every admission centre, mental hospital and authorised hospital to be visited and inspected from time to time by authorised officers, with or without |
| D | | al a constanta Characteria ant Catharacteria a ta | previous notice and at any time of the day or night as it thinks fit. (2c) An authorised officer may at any time make such inspections, investigations and inquiries as he |
| 5 | | | deems necessary, and shall make such inspections, investigations and inquiries as are directed by the Minister, with respect to the care, treatment or control of patients or voluntary patients or with respect to the memory patients or |
|) | | | with respect to the management of any admission centre, mental hospital or authorised hospital. |
| | i ni in | or is si so | (b) Omit from subsection (3) (a) "the Director", insert instead "any author- ised officer"; |
| 5 | tatus par tatus par signata p sistent tatu tatus at | an a | (c) Omit subsection (4) (a), insert instead the following paragraph:— (a) An authorised officer, being an officer within the meaning of the paragraph. |
|) | | Stadt Hard Vill - Form - and - Praid to Ha - Stadt State - | Public Service Act, 1902, who has any pecuniary interest, directly or indirectly, in any authorised hospital shall be deemed to be guilty of misconduct within the meaning of that Act. |

Health Commission.

SCHEDULE—continued.

| | Colun | nn 1. | Column 2. |
|--------|-------------------------------|---|--|
| | Year and number of Act. | Short title of Act. | Amendment. |
| 0 5 | 1958, No. 45 —continued | Mental Health Act, 1958— continued | Section 7—continued (d) Omit from subsection (4) (b) "A Director or Deputy Director", insert instead "An authorised officer"; (e) Omit from subsection (5) "he", insert instead "it". Sections 7 (3) (a), (b); 17; 20 (1); 33 (2); 108 (3); 109A (3)— Omit "The Director" wherever occurring, insert instead "An authorised officer". |
| 0 | Lubio al | ula rob ir s. Enes 1 or si. – f | Sections 7 (3) (c); 16 (c); 17; 24 (1); 25 (1); 27 (1); 28; 33 (1); 34 (2) (d); |
| 5 | | n di a su a s | 102 (a); 104; 105; 108 (2), (6), (7)— Omit "the Director" wherever occurring, insert instead "an authorised officer". Sections 7 (5); 11 (1), (7); 108 (5)— Omit "Director" wherever occurring, insert |
| | | | instead "Commission". Section 32— Omit "Director", insert instead "an author- |
| 0 | in topo | | ised officer". Section 65 (1)— Omit the subsection, insert instead the |
| 5 | | saari , 1) () in Line ameri Staat | following subsections:— (1) Except as may be directed by the Treasurer, the Master shall pay into the Hospital Fund established under the Public Hospitals Act, 1929, for the use and benefit thereof, and at such |
| 0 | est Dad Lisbas | | times and in such manner as the Governor may from time to time appoint, all money paid to the Master for the maintenance of any patient or voluntary patient. |

SCHEDULE

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SCHEDULE—continued.

| | Colu | mn 1. | Column 2. |
|--------|--|---|--|
| | Year and number of Act. | Short title of Act. | Amendment. |
| 0 5 | 958, No. 45 —continued | Mental Health Act, 1958— continued | Section 65 (1)—continued (1A) The Master shall pay into the Consolidated Revenue Fund, for the use and benefit thereof, and at such times and in such manner as the Governor may from time to time appoint, all fees received by the Master, whether charged by way of percentage or otherwise and all moneys referred to in subsection (1) directed by the Treasurer to be paid into that Fund. |
| 0 | | and the to sta | Section 108— |
| 5 | | keinille son de na Ura Hiva au Hawk Son histori ander S anter Act. 197 | (a) Omit from subsection (4) "the Director" where firstly occurring, insert instead "an authorised officer"; (b) Omit from subsection (4) "the Director" where secondly, thirdly and fourthly occurring, insert instead "the authorised officer". |
| | | and a the | Section 109A— |
| 0 | -1 | esta Roman de Ale Perus esta Constante esta esta de la Const esta | Omit from subsections (4) and (5) "Director" wherever occurring, insert instead "authorised officer". |
| | -he | | Section 110 (3)— |
| 5 | 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1 | Albert Contract Riser Contract District Contract Riser Contract Riser Riser | (a) Omit "Director" where firstly occurring, insert instead "Commission, an authorised officer"; (b) Omit "the Director" where secondly occurring, insert instead "an authorised officer". |
| 0 | 1912, No. 49 | Newcastle Dis- trict Abat- toir and Sale- yards Act, 1912 | Insert next after the definition of "Cattle" |
| 5 | 1 | at the state stop | Wales constituted under the Health Commission Act, 1972. |

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Health Commission.

SCHEDULE—continued.

| | Colu | umn 1. | Column 2. |
|----------|-------------------------------|--|---|
| 5 | Year and number of Act. | Short title of Act. | Amendment. |
| 10 | 1912, No. 49 —continued | Newcastle District Abattoir and Sale-yards Act, 1912— continued | Sections 10 (1); 12; 17 (3); 19 (1) (a), (2); 20; 26 (2)— Omit "Board of Health" wherever occur- ring, insert instead "Commission". |
| 15 20 | 1964, No. 44 | New South Wales Insti- tute of Psy- chiatry Act, 1964 | Section 2— Insert next after the definition of "By-laws" the following new definition:— "Commission" means the Health Commission of New South Wales constituted under the Health Commission Act, 1972. |
| | - 16 - 01 | s one i ben | Section 5— |
| 25 | e | e (-) e (-) en (2011) en (2011) en (2011) | (a) Omit subsection (2) (b), (c), (d), insert instead the following paragraphs:— (b) two persons, each of whom shall be either a member of the Commission nominated by the Commission or an officer of the |
| 30 | 1 | iare froig rea Contro sicaç | Commission so nominated, and one of whom is a psychiatrist; (c) a medical practitioner who is a member or officer of the Com- mission, nominated by the |
| 35 | | naebos ann an Municus basa | mission, nominated by the Minister; and; (b) Omit subsection (3) (b), insert instead the following paragraph:— (b) is a member or officer of the Commission or is employed in |
| 40 | | | any branch of the Repatriation Department of the Common- wealth; or. |
| | | hashi ya ang kashi ya ang kashi ya ang kashi ya ang kashi ya ang | Section 6— Omit ", (c) and (d)", insert instead "and (c)". |

SCHEDULE

SCHEDULE—continued.

| | Colu | mn 1. | Column 2. |
|----------|-------------------------------|---|--|
| 5 | Year and number of Act. | Short title of Act. | Amendment. |
| 10 15 | 1964, No. 44 —continued | New South Wales Insti- tute of Psychiatry Act, 1964— continued | Section 12— (a) Omit from subsection (2) (a) ", (b). (c) or (d)", insert instead "or (c)"; (b) Insert at the end of subsection (2) the following word and new paragraph:—; or (c) pursuant to paragraph (b) of that subsection, be appointed on the nomination of the Commission. |
| 20 | 1955, No. 25 | New South Wales State Cancer Coun- cil Act, 1955 | Sections 4 (1) (f); 5 (1) (a)— Omit "Hospitals Commission" wherever occurring, insert instead "Health Com- mission". |
| 25 30 | 1915, No. 4 | Notification of Births Act, 1915 | Section 2— Insert next before the definition of "Muni- cipality" the following new definition :— "Commission" means the Health Commission of New South Wales constituted under the Health Commission Act, 1972. |
| | sert | n' gai no se internet. Tradition | Section 3— |
| 35 | | | (a) Omit from subsection (1) "Under Secretary of the Department of Public Health, or to some person authorised by him to receive such notices", insert instead "Commission"; |
| 40 | -tite guine | an in manaich allaí sei mut a | (b) Omit from subsection (2) "the office of the Under Secretary", insert instead "an office of the Commission"; (c) Omit from subsection (2) "such Under Secretary or authorised person", insert |
| 45 | alta dis 400 | H siti soruti 2 wala la 2 tahun Faladat | instead "the Commission"; (d) Omit from subsection (3) "Under Secretary", insert instead "Commis- sion". |

Health Commission.

SCHEDULE—continued.

| | Col | umn 1. | Column 2. |
|----------|-------------------------------|---|--|
| 5 | Year and number of Act. | Short title of Act. | Amendment. |
| 10 15 | 1902, No. 82 | Noxious Trades Act, 1902 | Section 3— Omit the definition of "The Board", insert instead the following definition:— "Commission" means the Health Commission of New South Wales constituted under the Health Commission Act, 1972. |
| 20 | anti Anti- Anta | inon propo provinsion provinta provinta provinta provinta provinta provinta provinta pro | Sections 4 (2) (a); 5; 7; 9; 10; 11; 16; 18— Omit "Board" wherever occurring, insert instead "Commission". Section 9— Omit the heading, insert instead the following heading:— The Commission. |
| 25 | 1957, No. 3 | Noxious Trades (Amendment) Act, 1957 | Section 2 (c) (ii)— Omit "Board" wherever occurring, insert instead "Commission". |
| 30 35 | 1953, No. 10 | Nurses Regis- tration Act, 1953 | Section 3— Insert next after the definition of "Com- mencement of this Act" the following new definition:— "Commission" means the Health Commission of New South Wales constituted under the Health Commission Act, 1972. |

Health Commission.

SCHEDULE—continued.

| | Colu | mn 1. | Column 2. |
|----|--|--|---|
| nu | mber Act. | Short title of Act. | Amendment. |
| | No. 10 Intinued | Nurses Registration Act, 1953— | Section 5— (a) Omit subsection (1) (a), (b), insert |
| | 41) 41-2 12-14 | continued | instead the following paragraphs:— (a) two, each of whom shall be a member of the Commission nominated by the Commission |
| 5 | the l | usiko ni vo (usimba os roise | or an officer of the Commission so nominated and of whom one shall be appointed to be Chair- man of the Board; |
| 0 | 10-0 2-30 10-5 | n and a caracter an ang again an ang again bi ang againa | (b) one shall be a psychiatrist who is a member of the Commission nominated by the Commission or who is an officer of the Com- mission so nominated; |
| 5 | | n et an t-tro-et | (b) Omit subsection (1) (h); (c) Omit from subsection (1) "The member referred to in paragraph (a) of this subsection", insert instead "The person appointed to be Chairman of the Board"; |
| 0 | 95 | to estimation of | (d) Omit from subsection (1) "The mem- ber referred to in paragraph (b) of this subsection may from time to time nominate a person to act in his place |
| 5 | arbu | od" io nolimi colimito | as a member."; (e) Omit subsection (4), insert instead the following subsection:— (4) A member of the Board who is not a member of the Public Service or |
| 0 | | n ei New Si Ritas under Ritission Act. 19 | a member of the Commission shall be paid such fees as the Governor may from time to time direct. |
| | | Constant and | Section 9 (2) (a)— |
| 5 | Juent mart | () (i i set ins raph: | Omit "Hospitals Commission of New South Wales" wherever occurring, insert instead "Commission". |
| | and the second sec | id binniñnoù i o resile marc | Section 25 (1)— |
| 0 | alle bile cin- | Lossinsteri Maria (a) Maria (a) Mari | Omit "Director-General of Public Health or a legally qualified medical practi- tioner authorised by him in that behalf", insert instead "Commission". |

Health Commission.

SCHEDULE—continued.

| | Colu | mn 1. | Column 2. |
|----|-------------------------------|---|--|
| 5 | Year and number of Act. | Short title of Act. | Amendment. |
| | 1963, No. 35 | Optical | Section 6 (2) (a)— |
| 0 | | Dispensers Act, 1963 | Omit the paragraph, insert instead the following paragraph:— (a) one shall be a member of the Health Commission of New |
| 5 | | ra and y sail of Saint Algorithms Take a car bu | South Wales nominated by that Commission or an officer of that Commission so nominated |
| | | | Section 7— |
| 20 | | e te corre e te corre alier of the t minted effic of to "the n | (a) Omit "Under Secretary, Department of Public Health,", insert instead "member appointed under paragraph (a) of subsection (2) of section 6"; (b) Omit ", whether constituted under section five or six of this Act". |
| | | an tel épineurs outeal "Thurpe | Section 11— |
| .5 | | Chainman of the CD * C true C C | After "Public Service" insert "or a mem- ber of the Health Commission of New South Wales". |
| | 1930, No. 20 | Optometrists | Section 4— |
| 5 | | Act, 1930 | Insert next after the definition of "Board" the following new definition:— "Commission" means the Health Commission of New South Wales constituted under the Health Commission Act, 1972. |
| | | | Section 5— |
| 0 | -1499 1937- | | (a) Omit subsection (2) (f), insert instead the following paragraph:— (f) one shall be a member of the Commission nominated by the Commission or an officer of the |
| 5 | | | Commission so nominated. (b) Omit from subsection (6) "Under Secretary, Department of Public Health", insert instead "person appoin- ted under paragraph (f) of subsection (2)"; |

SCHEDULE

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SCHEDULE—continued.

| Co | olumn 1. | Column 2. |
|-------------------------------|--------------------------------|--|
| Year and number of Act. | Short title of Act. | Amendment. |
| 1930, No. 2 —continued | 0 Optometrists | Section 5—continued |
| 0 0 | continued | (c) Omit from subsection (10) "Under Secretary, Department of Public Health,", insert instead "person appointed under paragraph (f) of sub- section (2)". |
| 5 | the manufacture of the | Section 29A (5)— |
| | ori one te Ulo odnom co | Omit "Director-General of Public Health", insert instead "Commission". |
| 1964, No. 48. | | Section 4— |
|) | 1964 | (a) After "who" in subsection (2) insert "(except in the case of the member referred to in paragraph (b))"; |
| 5 | 0,0101112,000 0,0101012,000 | (b) Omit subsection (2) (b), insert instead the following paragraph:— (b) one shall be a member of the Health Commission of New South Wales from time to time |
|) | "Countrie tob". | nominated by that Commission or an officer of that Commission from time to time so nominated; (c) After "Board" in subsection (3) insert |
| 5 | | ", other than the member referred to in paragraph (b) of subsection (2),"; (d) In subsection (5) after "public servant" insert "or a member of the Health Commission of New South Wales". |
| 1966, No. 31. | . Poisons Act, | Section 4 (1)— |
| | 1966 | (a) Insert next after the definition of |
|) | Tantoù-ueshCl | "Automatic machine" the definition of new definition: |
| i | C. Maranar 90 t | Wales constituted under the Health Commission Act, 1972. (b) Omit the definition of "Under Secretary". |

Health Commission.

SCHEDULE—continued.

| Colu | ımn 1. | Column 2. |
|------------------------------------|--|--|
| Year and number of Act. | Short title of Act. | Amendment. |
| 1966, No. 31 — <i>continued</i> | Poisons Act, 1966—con- tinued | Section 6— (a) Omit subsection 2 (a), insert instead the following paragraph:— (a) a member of the Commission from time to time nominated by the Commission or an from the Commission from the Commissi from the Commission |
| | | officer of the Commission from time to time so nominated; (b) In subsection (11) after "Public Service" insert "or a member of the Commission". |
| | | Section 10 (1)— |
| 3157 | ni (1) seubsedo esta seu la Sec | Omit "Under Secretary, or such other person as may from time to time be nominated by him for the purpose,", insert instead "Commission". |
| to ess | unite (d) intern (d) (d) d | Sections 16 (1); 19 (1), (1B); 24 (2) (d), (e), |
| v sette | ne destruction de la composition de la Composition de la composition de la comp | (f); 43 (1)— |
| 2 5 570 11 20 | n de la companya 1 ferra de la companya 1 ferra de la companya | Omit "Under Secretary" wherever occur- ring, insert instead "Commission". |
| La cola La cola | aning a second | Section 19— |
| | en (h) reinikasi esi ili enisimiti asi ili enisimiti asi ili eli eli eli asi ili eli eli eli eli asi | Omit from subsection (1A) "Under Secretary for reasons that he", insert instead "Commission for reasons that it". |
| | ne station and a | Section 24— |
| | | (a) Omit from subsection (2) (d) "he", insert instead "it"; (b) Omit subsection (2A). |
| 2 | a e tra tra | Section 27— |
| | n trà y là l'aig | Omit the definition of "Director-General". |
| | an la cha Ann Astronomia | Sections 28; 29 (1), (2), (3), (4), (5) (c); 30 (4)— |
| | | Omit "Director-General" wherever occur- ring, insert instead "Commission". |

SCHEDULE

Health Commission.

SCHEDULE—continued.

| | Colun | nn 1. | Column 2. |
|------|-------------------------------|---|--|
| - | Year and number of Act. | Short title of Act. | Amendment. |
| 19 | 966, No. 31- | Poisons Act, 1966— | Section 29— |
| 0 | commen | continued | (a) Omit from subsection (4) "he", insert instead "it"; |
| 5 | tabun Instati | ese Fridutze ben Tette (.m. A. Jac Force (.e. Sorets | (b) Omit from subsection (5) (d) "the Director-General", insert instead "a member of the Commission or by an officer of the Commission authorised generally or specially by the Commis- sion to do so". |
| | | | Section 30 (5)- |
| 0 | Vitation at 1 | e profu a technical | After "Public Service", insert "or a member of the Commission". |
| | | 2011 manual 2012 manual de la composición de la comp | Section 37 (1)— |
| 5 | | | (a) Omit "person for the time being holding office as Director-General of Public Health", insert instead "Com- mission"; (b) Omit "his", insert instead "its". |
| | | e quinder panne Incon Periorsi | Section 39— |
| 0 | | eson Hannell tattor relati H * Boned 17 H Melakor Hal | (a) Omit "the Under Secretary" where firstly occurring, insert instead "a member of the Commission or by an officer of the Commission authorised generally or specially by the Commis- sion to do so"; |
| 5 | | | (b) Omit "of the person appearing to have |
| 3 | | on definitions social de Advisor company de Advisor | signed the certificate or that he was the Under Secretary", insert instead "or of the official character or authority of the person purporting to have signed the certificate". |
| 10.1 | 908 No 14 | Private Hospi- | Section 2— |
| 10 1 | 1908, No. 14 | tals Act, 1908 | Omit the definition of "Commission", insert instead the following defini- tion:— |
| 15 | | manission Acts ann of "Haritan and", chaot | "Commission" means the Health Commission of New South Wales constituted under the Health Commission Act, 1972. |

SCHEDULE—continued.

| | Colur | mn 1. | Column 2. |
|----|-------------------------------|---|--|
| 5 | Year and number of Act. | Short title of Act. | Amendment. |
| 10 | 1908, No. 14 —continued | Private Hospitals Act, 1908 —continued | Section 11 (1)— Omit "Board of Health" wherever occur- ring, insert instead "Commission". |
| 15 | n si ba Pistas Li ting | akon (s. 181) († 1993 – State State State State State State State State State State State | Section 24— Omit "the Hospital Fund established under the Public Hospitals Act, 1929", insert instead "Consolidated Revenue Fund". Section 25— |
| 20 | tio fini | | After "commencement" where secondly occurring insert "and before the appointed day under the Health Commission Act, 1972". |
| | i dal 1 - Arri - Arri | dan a saab babba Magi Laga magi ba Shikuta Canada | Cu Cont ^M ipateron N. Jonéz Joffrez Polsia: Hawki |
| | 1902, No. 30 | Public Health Act, 1902 | Section 1— |
| 25 | | | (a) Omit from the matter relating to Part II "BOARD OF HEALTH", insert instead "ADVISORY BOARD OF HEALTH"; (b) Omit from the matter relating to Div- ision 1 of Part II "Board of Health", insert instead "Advisory Board of Health". |
| 30 | | | Section 3— |
| 35 | | | (a) Omit the definition of "Board", insert instead the following definition:— "Board" means the Advisory Board of Health constituted under this Act. |
| | | | (b) Insert next after the definition of "Chemical closet" the following new definition:— |
| 40 | | | "Commission" means the Health Commission of New South Wales constituted under the Health Commission Act, 1972. |
| 45 | | | (c) From the definition of "Health inspector" omit "Board", insert instead "Commission"; |

SCHEDULE

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Health Commission.

SCHEDULE—continued.

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| | Colu | ımn 1. | Column 2. |
|----------|---|---|--|
| 5 | Year and number of Act. | Short title of Act. | Amendment. |
| 10 15 | —continued | Public Health Act, 1902— continued | Section 3—continued (d) From the definition of "Local authority" omit "Board", insert instead "Commission"; (e) From the definition of "Officer" omit "Board", insert instead "Commission"; (f) The section of the |
| | eon of the sident, sufter | on the cumbra n what A manber o for no the Pic | (f) From the definition of "President" omit "of Health".PART II— |
| 20 | polita gailee bsiliee staioa | holdsofiliation hold privid, not and privid may be st primost of bis of | Omit the heading to the Part and to Division 1, insert instead the following heading:— |
| | o si | thail be clicit anese Dromani Anese anese A | PART II. The Advisory Board of Health and Local authorities. |
| 25 | diday yeb b | ne un upponn Hall Com- nald-office | DIVISION 1.—The Advisory Board of Health. |
| | a da anti- a da anti- la da anti- a da b | on desce an entrashio b dist gisto cina di mon bar no | Section 6— Omit the section, insert instead the follow- |
| 80 | n her- tha short office: the is | to here been seen on the seen of here here seen to be for seen to be | ing section:— Consti- 6. There is hereby constituted tution a body under the name of the of the "Advisory Board of Health" Board. which shall have and may |
| 35 | no di no lis no lis no li | he peri el Cas le Taso d'Arpoli A of Herson a Clar e pegga | exercise and perform the powers, authorities, duties and functions conferred or imposed upon it by or under this or any other Act. |
| | | | Section 7— |
| 10 | od) Jinstę | doum surg ha ran braid | Omit the section, insert instead the following section:— Members 7. (1) The Board shall consist of the of not less than seven nor more Board. than ten members appointed by |
| 45 | | arresta de la companya La la companya de la La companya de la com | the Minister, of whom not less than our shall be medical practitioners. |

SCHEDULE

Health Commission.

SCHEDULE—continued.

| | Colu | mn 1. | Column 2. |
|---|-------------------------------|--|---|
| ; | Year and number of Act. | Short title of Act. | Amendment. |
| | 1902, No. 30— continued | Public Health Act, 1902— | Section 7—continued |
| 0 | | continued | (2) One of the members of the Board shall, in and by the instrument of his appointment, be appointed as President of the |
| 5 | | n di Piterionan (Piterionan (Piterionan (| Board. (3) The President shall be appointed on the nomination of the Commission. (4) A member of the |
| 0 | | si sala un Li Jaspani a | Board, other than the President, shall, if he does not earlier cease to hold office, hold office for such period, not exceeding three years, as may be specified |
| 5 | | al da Al an | in the instrument of his appoint- ment and shall be eligible for reappointment from time to time. |
| 0 | | | (5) A person who, immed- iately before the appointed day under the Health Commission Act, 1972, held office as a member of the Board of Health constituted under this Part, as |
| 5 | | on Nederlandse George Sternesse | in force immediately before that day, shall, on and from that day, be deemed to have been ap- pointed as a member of the Board and shall, if he does not |
| 0 | | | earlier cease to hold office, hold office for such term as is equal to the part of the term for which he was last appointed to |
| 5 | | | the Board of Health, so con- stituted, that is unexpired on that day. |
| | | | Section 9— |
| | | | Omit the section, insert instead the following section:— Advisory 9. The Board may and shall, |
| 0 | | | powers if requested by the Commission of the to do so, prepare and furnish Board. reports and advise and make |

SCHEDULE

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Health Commission.

SCHEDULE—continued.

| | Colu | mn 1. | Column 2. |
|------|-------------------------|---|---|
| 5 nu | ar and mber Act. | Short title of Act. | Amendment. |
| | No. 30 ontinued | Public Health Act, 1902— continued | Section 9— <i>continued</i> recommendations to the Com- mission upon any matter re- lating to the powers, author- |
| 15 | | | ities, duties and functions con- ferred or imposed upon the Commission by this Act, the Pure Food Act, 1908, the Noxious Trades Act, 1902, the Fluorida- tion of Public Water Supplies |
| 20 | | | Act, 1957, the Food Preserva- tion by Sulphur Dioxide Enab- ling Act, 1920, or the Local Government Act, 1919. |
| | | n a cara an an Iri San an Amini an an an | Sections 10; 11; 12; 13; 15; 16; 17; |
| | 1705 | ing the second | 20; 21; 23A; 24; 25; 26; 26F; 29; |
| 25 | | | 29A; 30; 37; 41; 48(1); 50; 50A; 50E; |
| | 5 C 0 I M | | 51 (3); 51A; 52; 54; 56; 58; 60; 61; |
| | | | 62; 63; 71; 71B; 71c; 72; 75; 94; |
| | . y (d ³ 173 | The Art of the Art | 95; 96; 99; 102; 102A; 103; 105; |
| • • | | 157 | 107 and 110— |
| 30 | 2 | | Omit "Board" wherever occurring, insert instead "Commission". |
| | | 1 | Section 14— |
| 35 | 1 | | Omit "Board" where firstly, sixthly, seventhly and ninthly occurring, insert instead "Commission". |
| | | | Section 18 (2)— |
| 40 | | | Omit the subsection, insert instead the following subsection: (2) A member of the Commission who is a medical practitioner shall |
| 40 | | | |

SCHEDULE

Health Commission.

SCHEDULE—continued.

| | Colu | ımn 1. | Column 2. |
|----|-------------------------------|--|---|
| 5 | Year and number of Act. | Short title of Act. | Amendment. |
| | 1902, No. 30- continued | Public Health Act, 1902— | Section 18 (2)-continued |
| 10 | continued | have and may exercise and perform all the powers of a medical officer of health. | |
| | | noga isoogni (| Section 23— |
| | | | Omit the section. |
| 5 | | W York W Salita | Section 24 (1); 25— |
| 20 | | 1920, on the 1920, on the out Act 1005. | Omit "President or secretary" wherever occurring, insert instead "Chairman, secretary or other officer of the Com- mission authorised generally or specially by the Commission to do so". |
| | | 105 - 15 - 15 107 - 40 - 40 - 40 - 40 - 40 | Sections 26A; 26B; 26C; 26D; 26E; 26F; 30A; 32B; 32C; 32D— |
| | | | Omit "board" wherever occurring, insert instead "Commission". |
| 25 | | a sa ha | Sections 32A (1); 43A (1) (ha)- |
| | | 1028 1029 | Omit "President" wherever occurring, insert instead "Commission". |
| | | Second and | Sections 43A (1); 51 (2)- |
| 0 | | | Omit "Board of Health" wherever occur- ring, insert instead "Commission". |
| | | and the second second | Section 48 (2)— |
| 15 | | electronic e states es | (a) Omit "President or secretary, or any two members of the Board", insert instead "Chairman or secretary of the Commission or any officer of the Commission authorised generally or |
| 10 | | nation contract States Ministrice contract Ministrice contract Ministrice contract | specially by the Commission to do so"; (b) Omit "Board" where secondly occurring, insert instead "Commission". |

SCHEDULE

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SCHEDULE—continued.

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| | Colu | ımn 1. | Column 2. |
|----|-------------------------------|---|---|
| 5 | Year and number of Act. | Short title of Act. | Amendment. |
| 10 | 1902, No. 30– continued | Public Health Act, 1902— continued | Section 50B— From paragraph (b) of the definition of "hospital" omit "Department of Public Health", insert instead "Commission". |
| 15 | | | Section 50D— Omit "Director-General of Public Health", insert instead "Commission". |
| | | n De Seine al Co | Section 51 (2)— Omit "Board" where secondly occurring, insert instead "Commission". Section 73— |
| 20 | | | Omit "Board or the President" wherever occurring, insert instead "Com- mission". |
| 25 | | | Section 108 (1)— (a) Omit "Board" where firstly, secondly and fourthly occurring, insert instead "Commission"; (b) Omit "President of the Board", insert instead "Chairman, secretary or other of the Owner instead |
| 30 | | | instead "Chairman, secretary or other officer of the Commission authorised generally or specially by the Com- mission to do so". |
| 35 | 1944, No. 16 | Public Health (Amendment) Act, 1944 | Sections 6 (1) (b); 7 (1)— Omit "Board" wherever occurring, insert instead "Commission". |
| | | | |

Health Commission.

SCHEDULE—continued.

| Colu | mn 1. | Column 2. |
|-------------------------------|--|--|
| Year and number of Act. | Short title of Act. | Amendment. |
| 1902, No. 110 | Public Health (Night-soil Removal) Act, 1902 | Section 2— (a) Omit "Health Board", insert instead "Health Commission of New South Wales"; (b) Omit "Board" where secondly occur- ring, insert instead "Commission"; (c) Omit "Board of Health", insert instead "Commission". |
| 1929, No. 8 | Public Hospi- tals Act, 1929 | |
| 5 | a distribute a location era station from a | Section 1 (2)— (a) From the matter relating to Part II omit "HOSPITALS COMMISSION", insert instead "HEALTH COMMISSION"; (b) Insert next after the matter relating to Part VA the following new matter:— |
| | kanning, inden v of the Point" aan sectrary v antiphesion mit | PART VB.—HOSPITALS CONDUCTED BY THE HEALTH COMMISSION. (c) Insert at the end "FIFTH SCHEDULE.". |
| 0 | elite or elles | Section 3— (a) Omit the definition of "Commission", insert instead the following defini- tion:— |
| 5 | (1) | "Commission" means the Health Commission of New South Wales constituted under the Health Commission Act, 1972. (b) In the definition of "Hospital" afte "applied" insert "by or under section |
| | in the second | "applied" insert "by or under section 4". |

SCHEDULE—continued.

| | Colu | ımn 1. | Column 2. |
|----|-------------------------------|---|--|
| 5 | Year and number of Act. | Short title of Act. | Amendment. |
| 10 | 1929, No. 8— continued | Public Hospi- tals Act, 1929 —continued | Section 4 (1)— After "VA", insert "or Part VB". PART II, heading— |
| | | | Omit "Hospitals Commission", insert instead "Health Commission". |
| 15 | | oligina a su | Sections 5; 6; 7; 8; 9; 10- Omit the sections. |
| 20 | | al dat mapoort | Section 11— Insert at the end of subsection (1) the following new paragraph:— (h) to conduct, manage, maintain and operate and, where neces- sary, to extend and improve the |
| | | dand so pro Ing Roberts Dang so pro- | hospitals mentioned in the Fifth Schedule. |
| 25 | | કાર્યત્ર છે. તે છે જે | section:— (3) Where the Commission is of the opinion that it is in the public interest to do so, it may close any of the hospitals mentioned in the Fifth |
| 30 | | ana (1) (1) an an airte an an airte | Schedule. Section 17— |
| 35 | | | (a) Omit subsection (2) (a), insert instead the following paragraph:— (a) all moneys appropriated by Parliament for the purposes of this Act (including moneys so appropriated for the granting of subsidies or other assistance to |
| 40 | | e fatteuri haca chies chies Jiant et ker ane | hospitals and associated organ- isations) and, subject to sub- section (2A), all other moneys received by the Commission |
| 45 | | ger un nir ude pil bodi udere lipti se je gl | from any other source pursuant to the exercise or performance of its powers, authorities, duties or functions under this Act; and; |

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SCHEDULE—continued.

| | Colu | mn 1. | Column 2. |
|----|-------------------------------------|--|---|
| 5 | Year and number of Act. | Short title of Act. | Amendment. |
| 10 | 1929, No. 8– continued | Public Hospi- tals Act, 1929 —continued | Section 17—continued (b) Insert next after subsection (2) the following new subsection:— (2A) The Commission shall pay to the Treasurer such amount as is determined by the Treasurer as representing moneys received by the Commission in respect of the care or treatment of patients in hospitals mentioned in the Fifth Schedule. |
| 20 | | (1) mailasidor —ifiqian dum agarama a araniw Jima aranin tan ba ada ni benona | Section 29B (1) (a)— (a) Omit from subparagraph (ii) "and", insert instead "or"; (b) Insert next after subparagraph (ii) the following new subparagraph:— (iii) the planning or construction of any building or facility for use or but a barried or facility for use |
| 0 | on alt ian Sau Fau | eras garwaita) o e ooreinnin an ardrid selt h ar an bea bea an the bea | as or by a hospital or proposed hospital; and. Part VB— Insert next after Part VA the following new Part:— PART VB.—HOSPITALS CONDUCTED |
| 5 | bus ja ja | ini instanti (da) Sigan Sigan Sigan (da) Sigan (da) Sigan (da) Sigan (da) | BY THE HEALTH COMMISSION. Altera- tion of the recommendation of the Fifth Commission, by order pub- Schedule. lished in the Gazette, amend the Fifth Schedule— |
| 0 | 08 10 3 13 4 40 50 2 | tenning monor i for the gradin billor grading pillor grading of tradict for all the chart for | (a) by inserting therein the name of a hospital or proposed hospital which is being, or is to be, conducted by the Com- |
| 5 | 1015 1016 1000 | n on A ann a' ann a' Ann ann a' ann a' ann Ann a' | mission; (b) alter the name of any hospital specified in that Schedule; or |

SCHEDULE

Health Commission.

SCHEDULE—continued.

| | Colu | mn 1. | Column 2. | |
|----|-------------------------------|---|--|------------------------|
| 5 | Year and number of Act. | Short title of Act. | Amendment. | |
| | 1929, No. 8- | Public Hospi- | Part VB—continued | |
| 10 | continued | tals Act, 1929 —continued | (c) where the Comr has closed any hospital, remove name of that h from that Schedule | such the ospital |
| 15 | | al an the an an ann all | Section 33 (2)- | |
| | | an Maria Maria Maria Interna Ne di Success | Omit "or on behalf of the State", instead "the Commission". | insert |
| | | l'airean ch'a | Section 36 (1)— | |
| 20 | | | After "hospital" insert "(including a tal mentioned in the Fifth Sched | hospi- lule)". |
| | | 12 | Fifth Schedule— | |
| | | nacho chola const Mara all'hippital | Insert next after the Fourth Schedu following new Schedule:— | ale the |
| | | d i gang | FIFTH SCHEDULE. | Secs. 11 (1) |
| 25 | | esta o standina internetionalita l'internetionalita l'internetionalita | Bloomfield Hospital Broughton Hall Psychiatric Clinic Callan Park Hospital | n), 29 J . |
| 30 | | , "r sainia | David Berry Hospital Garrawarra Hospital Gladesville Hospital Grosvenor Hospital | |
| | | 1917, 1917, 198 | Kenmore Hospital Lidcombe Hospital | |
| 5 | | | Marsden Hospital Morisset Hospital | |
| | | | Newcastle Psychiatric Centre North Ryde Psychiatric Centre Parramatta Psychiatric Centre | |
| 0 | firia) Nadi | Bertin of The Sa arout 199 | Peat and Milson Islands Hospital Randwick Chest Hospital Rydalmere Hospital Stockton Hospital | |
| 5 | | | Strickland House Tomaree Holiday Lodge | |

SCHEDU

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SCHEDULE

Act No. , 1972

Health Commission.

SCHEDULE—continued.

| | Colur | nn 1. | Column 2. |
|--------|-------------------------------|---|--|
| | Year and number of Act. | Short title of Act. | Amendment. |
| 0 5 | 1901, No. 29 | Public Institu- tions Inspec- tion Act, 1901 | Omit "or infirmaries only the Hospitals Commission of New South Wales or an officer duly authorised by it in that behalf under its seal either generally or in a particular case", insert instead "(within the meaning of the Public Hospitals Act, 1929) only the Health Commission of New South Wales or an officer of that Commission author- ised generally or specially in writing by the Commission to do so". |
| | 1908, No. 31 | Pure Food | Section 4— |
| 1 | (here) | Act, 1908 | (a) Omit from subsection (1) the definition of "Board", insert instead the following |
| 5 | 297. 1 (4) 292. | i Vizanuda Logi Atr | definition:— "Commission" means the Health Commission of New South Wales constituted under the Health Commission Act, 1972. |
| 0 | | io Clini. | (b) From the definitions of "Local authority" and "Officer" in subsection (1) omit "board" wherever occurring, insert instead "Commission". |
| | | | Sections 4 (2); 6 (3); 9; 16; 17; 17A; |
| 5 | | | 18; 19; 19A; 20; 21 (3); 22 (1); |
| | | e de la compañía de l | 26; 32; 34; 37; 51 (2); 53; 54; |
| 0 | | auns Estimot | 55— Omit "board" and "Board of Health" wherever occurring, insert instead "Commission". |
| | | | Condition to a source |

SCHEDULE

SCHEDULE—continued.

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| | Colur | nn 1. | Column 2. |
|----|-------------------------------|-------------------------|--|
| 5 | Year and number of Act. | Short title of Act. | Amendment. |
| | 1908, No. 31 —continued | Pure Food Act, 1908— | Section 6 (1)— |
| 10 | -continuea | continued | (a) Omit "the president of the Board of Health,", insert instead "a member of the Commission nominated by the Commission, or an officer of the Commission so nominated,"; |
| 20 | | | (b) Omit "the medical officer of health, metropolitan combined sanitary districts", insert instead "a medical officer of health within the meaning of the Public Health Act, 1902, from time to time nominated by the Com- mission". |
| | | | Section 8— |
| | | | (a) After "public service" insert "or a |
| 25 | | | member of the Commission";(b) Omit ", but such fees shall not exceed four dollars twenty cents per member per sitting". |
| | | | Section 51— |
| 30 | | | (a) Omit from subsection (1) "president of the board", insert instead "Commission"; (b) Omit for a subsection (1) "1. " |
| | | | (b) Omit from subsection (1) "he", insert instead "it"; (c) Omit from subsection (1) "his". |
| 5 | Les Cont | | insert instead "its"; (d) Omit from subsection (1) "him" |
| | | | insert instead "it"; (e) Omit from subsection (2) "said |
| 10 | | | president", insert instead "Com- mission"; |
| | | | (f) Omit from subsection (3) "of the president". |
| | | 1.4.1.2.1.2. | Section 51A— |
| 15 | | | (a) Omit from subsection (1) the defini- tion of "Director-General"; |
| - | | | (b) Omit from subsections (2), (3), (4), (5), (6), (8) "the Director-General" wherever occurring, insert instead "a member of the Commission". |

Health Commission.

SCHEDULE—continued.

| | Colur | nn 1. | Column 2. |
|---|-------------------------------|------------------------------|--|
| ; | Year and number of Act. | Short title of Act. | Amendment. |
| , | 1957, No. 5 | Radioactive Substances | Section 3— |
| 0 | | Act, 1957 | Omit the definition of "Under Secretary". |
| | | a the set of the set is a | Section 4— |
| 5 | | | (a) Omit subsection (2) (a), insert instead the following paragraph:— (a) a member of the Health Commission of New South Wales from time to time nominated by that Commission or an officer of that Commission from time to time so nominated; and; |
| 0 | | | (b) In subsection (10) after "Public Service" insert "or of the Health Com- mission of New South Wales". |
| | | | Section 11— |
| 5 | | | (a) Omit from subsection (1) (a) "Under Secretary", insert instead "Health Commission of New South Wales (in this section referred to as "the Com- mission")"; |
| 0 | | | (b) Omit from subsections (1) (b), (c), (2) "Under Secretary" wherever occurring, insert instead "Commission". |
| | | | |
| | 1970, No. 95 | State Pollu- tion Control | Section 6 (2) (b) (ii)— |
| 5 | | Commission Act, 1970 | Omit the subparagraph, insert instead the following subparagraph:— (ii) one shall be a member of the Health Commission of New |
| 0 | | | South Wales from time to time nominated by that Commission or an officer of that Com- mission from time to time so nominated; and. |

SCHEDULE

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Health Commission.

SCHEDULE—continued.

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| | Colur | nn 1. | Column 2. |
|----------|-------------------------------|---|--|
| 5 | Year and number of Act. | Short title of Act. | Amendment. |
| 10 15 | 1970, No. 95— continued | State Pollu- tion Control Commission Act, 1970— continued | Section 18 (2) (e)— Omit the paragraph, insert instead the following paragraph:— (e) one shall be a member of the Health Commission of New South Wales nominated by that Commission or an officer of that Commission so nominated. |
| | 1972, No. 14 | Therapeutic | Section 4 (1)— |
| 20 25 | | Goods and Cosmetics Act, 1972 | (a) Insert next after the definition of "automatic machine" the following new definition:— "Commission" means the Health Commission of New South Wales constituted under the Under the Under t |
| 23 | | | Health Commission Act, 1972; (b) Omit the definition of "Under Secretary". |
| | | | Section 7 (2) (a)— |
| 30 35 | | | Omit the paragraph, insert instead the following paragraph:— (a) a medical practitioner, being a member of the Commission from time to time nominated by the Commission or being an officer of the Commission from time to time so nominated; and. |
| | | | Sections 10 (2); 19; 20 (1); 21; 28; |
| | | | 29; 31 (3) (a); 33 (5); 35; 37; 39; 41 (1); 45; 52— |
| 40 | | | Omit "Under Secretary" wherever occur- ring, insert instead "Commission". |
| | | | Sections 21 (5); 28 (1), (2)— |
| | | | Omit "he" wherever occurring, insert instead "it". |

Health Commission.

SCHEDULE—continued.

| | Colur | nn 1. | Column 2. |
|----|-------------------------------|--|---|
| 5 | Year and number of Act. | Short title of Act. | Amendment. |
| 10 | 1972, No. 14 —continued | Therapeutic Goods and Cosmetics Act, 1972— continued | Section 53 (1)— Omit "the Under Secretary", insert instead "a member of the Commission or by an officer of the Commission authorised generally or specially by the Com- mission to do so". |
| 15 | 1912, No. 21 | Trustees Audit Act, 1912 | Sections 4; 5— Omit "Hospitals Commission" wherever occurring, insert instead "Health Com- mission". |
| 20 | 1918, No. 46 | Venereal Diseases Act, 1918 | Section 2— Omit the definition of "Minister". |
| 25 | | | Section 9A (1)— Omit "Department of Public Health", insert instead "Health Commission of New South Wales". |
| | | | Sections 24; 27— Omit "Minister" wherever occurring, insert instead "Commission". |

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Health Commission.

SCHEDULE—continued.

| | Colu | ımn 1. | Column 2. |
|---|-------------------------------|------------------------|------------|
| 5 | Year and number of Act. | Short title of Act. | Amendment. |

| PART 2. |
|---------|
|---------|

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| 1929, No. 8 \dots Public tals A | Hospi- Sections 40BA; 40BB— ct, 1929 |
|-----------------------------------|--|
| | Insert next after section 40B the following new sections:— |
| 15 | Deter- mination 40BA. (1) In this section— "hospital" means any hos- of con- ditions of included in the Second employ- ment of Schedule and includes |
| 20 | officers any associated organ- and isation whose name is employees included in the Fourth of Schedule; hospitals. |
| 25 | (2) Except in so far as provision is otherwise made by law, the conditions of employ- ment, including salaries, wages or remuneration, of the officers |
| 30 | and employees of hospitals shall be as may be determined from time to time by the Com- mission. (3) The Commission |
| 35 | shall, for the purpose of making any determination under subsection (2) or of any pro- ceedings relating to officers and employees of hospitals, held |
| 40 | before a competent tribunal having power to deal with industrial matters within the meaning of the Industrial Arbi- tration Act, 1940, be deemed to |
| 45 | be the employer of the officers and employees of hospitals. (4) The Commission may enter into an agree- ment with any association or |
| | 1 |

Health Commission.

SCHEDULE—continued.

| | Colu | ımn 1. | Column 2. |
|--|-------------------------------|---|---|
| 5 | Year and number of Act. | Short title of Act. | Amendment. |
| 10 15 20 25 30 35 40 45 | 1929, No. 8– continued | Public Hospi- tals Act, 1929 —continued | Sections 40BA; 40BB—continued organisation representing any group or class of officers and employees of hospitals with respect to the salaries, wages or remuneration of that class or group. (5) An agreement referred to in subsection (4) shall bind all officers and employees in the class or group affected by the agreement and no such officer or employee, whether a member of the association or organisation with which the agreement was entered into or not, shall have any right of appeal against the terms of the agreement. (6) Any determination made by the Commission in respect of a matter referred to in subsection (2), any order or determination made by a competent tribunal in any proceedings referred to in subsection (3), and any agreement referred to in subsection (4), shall be given effect to by the hospitals employing: (7) Nothing in this section authorises— (9) Any power, authority, duty or function to be exercised or performed by or in relation to the |
| 50 | | | Commission, otherwise than for the purposes of and in accordance with this section. |

SCHEDULE

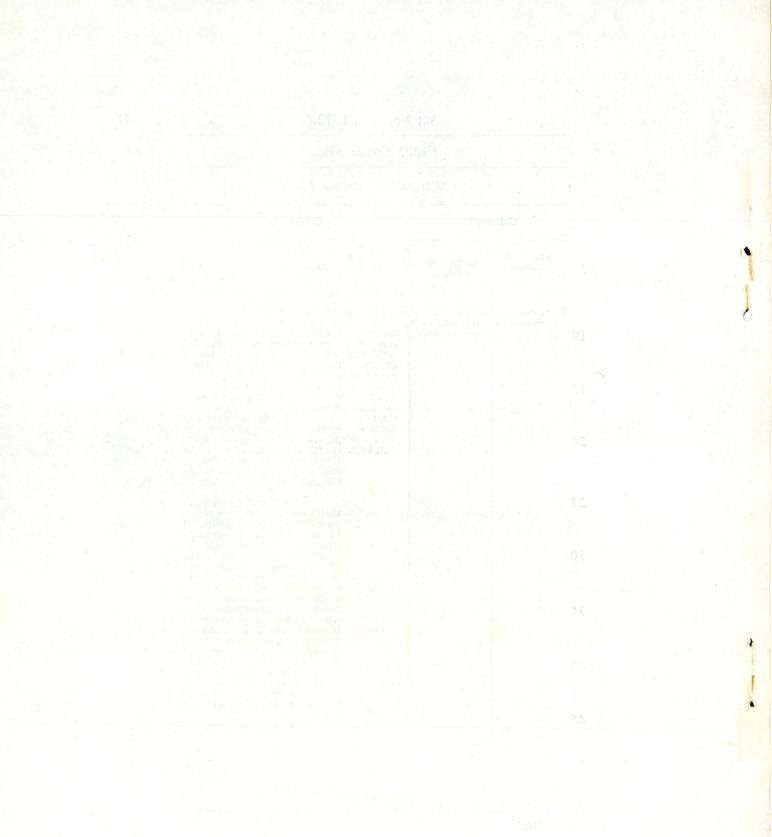
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SCHEDULE—continued.

| 5 | Column 1. | | Column 2. | |
|----|--|---|--|--|
| | Year and number of Act. Short title of Act. | Amendment. | | |
| 10 | 1929, No. 8— continued | Public Hospi- tals Act, 1929 —continued | Sections 40BA; 40BB—continued Commis- sion "hospital" means any hospital entitled to whose name is included in the certain Second Schedule or Third payments Schedule and includes any under associated organisation whose Local name is included in the Fourth Govern- ment (2) Any moneys that (Super- ment (2) Any moneys that (Super- Mould but for this subsection be annuation) payable to a hospital under Act, 1927. section 15x or 15z of the Local Government (Superannuation) Act, 1927, shall be paid to the Commission. | |
| 25 | | | (3) The Commission shall, out of the moneys re- ceived by it under subsection (2) in respect of a former con- | |
| 30 | | | tributor or a contributor re- ferred to in section 15y or 15z of the Local Government (Superannuation) Act, 1927, pay to any person who has been an employer of that former con- | |
| 35 | | | tributor, or contributor, and who makes application in writing to the Commission for the payment, such part of those moneys as the Commission | |
| 10 | | | deems proper, having regard to the payments made by that employer in respect of that former contributor, or con- tributor, to the Local Govern- | |
| 15 | | | ment Superannuation Board constituted under that Act. | |

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BY AUTHORITY V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1972 [60c]



No. , 1972.

A BILL

To constitute the Health Commission of New South Wales and to define its powers, authorities, duties and functions; to dissolve The Hospitals Commission of New South Wales and the Board of Health and to abolish the Department of Health; to amend the Public Health Act, 1902, the Public Hospitals Act, 1929, and certain other Acts; and for purposes connected therewith.

[MR JAGO—21 September, 1972.]

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B^E 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:—

1. This Act may be cited as the "Health Commission Act, Short title. 1972".

2. The provisions—

Commencement.

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(a) of section 1 and of this section shall commence upon the date of assent to this Act;

(b) of sections 3 to 15 and of section 22 shall commence upon such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette;

(c) of this Act, other than the provisions referred to in paragraphs (a), (b) and (d), shall commence upon such day, not being earlier than the day appointed and notified under paragraph (b), as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette; and

(d) of section 33, in so far as they effect the amendments specified in Part 2 of the Schedule, and of Part 2 of the Schedule, shall commence upon such day, not being earlier than the day appointed and notified under paragraph (c), as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

3. In this Act, except in so far as the context or subject-Interprematter otherwise indicates or requires—

"appointed day" means the day appointed and notified under section 2 (c);

"Commission" means the Health Commission of New South Wales constituted under this Act;

"health service" means any medical, hospital, ambulance, paramedical, community health or environmental health service or any other service relating to the maintenance or improvement of the health, or restoration to health, of persons or the prevention of disease in or injury to persons;

"member" means a member of the Commission;

"regulations" means regulations made under this Act.

15 4. (1) There is hereby constituted a corporation under Constituthe corporate name of the "Health Commission of New South tion of the Wales".

tion of the Health Commission of New South Wales.

(2) The Commission—

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(a) shall have and may exercise and perform the powers, authorities, duties and functions conferred or imposed upon it by or under this or any other Act:

- (b) shall, for the purposes of any Act, be deemed to be a statutory body representing the Crown; and
- (c) shall, in the exercise and performance of its powers, authorities, duties and functions (except in relation to the contents of a recommendation or report made by it to the Minister), be subject to the control and direction of the Minister.

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5. (1) The Commission shall consist of five members Appointappointed by the Governor on the recommendation of the ment of Minister made having regard to the advice of the Public Service Board.

5 (2) The provisions of the Public Service Act, 1902, shall not apply to or in respect of the appointment of a member, and a member shall not be subject to the provisions of that Act during his term of office.

6. (1) The members shall be appointed to offices Members to be appointed respectively as—

(a) Chairman;

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to be appointed to specified offices.

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- (b) Commissioner for Personal Health Services;
- (c) Commissioner for Environmental and Special Health Services;
- (d) Commissioner for Manpower and Management Services; and

(e) Commissioner for Finance and Physical Resources.

(2) A member other than the Chairman shall be appointed as the Deputy Chairman.

(3) A member shall not be appointed to an office referred to in subsection (1) (b) or (c) unless he is a medical practitioner.

7. (1) A member shall devote the whole of his time to Provisions the duties of his office and shall be paid such annual salary relating to members
25 and allowances as the Governor may from time to time generally. determine in respect of him.

(2) A member shall, subject to this Act, hold office as a member for such term not exceeding seven years as may be specified in the instrument of his appointment and shall, 30 if otherwise qualified, be eligible for re-appointment from time to time.

(3) Any such re-appointment shall be for such term not exceeding seven years as may be specified in the instrument of re-appointment.

(4)

(4) On the occurrence of a vacancy in the office of a member otherwise than by the expiration of the term for which he was appointed, the Governor may, on the recommendation of the Minister made having regard to the advice of the Public
5 Service Board, appoint a person to hold office as a member for the balance, or for a part of the balance, of his predecessor's term of office, as may be specified in the instrument of appointment.

(5) The Governor may, on the recommendation of
10 the Minister made having regard to the advice of the Public Service Board, appoint a person, other than a member, to act in the office, referred to in section 6 (1), of a member while that member is from time to time absent from that office through illness or any other cause or, in the case of the
15 Deputy Chairman while he is, pursuant to section 8 (3), acting from time to time in the place of the Chairman, and the person so appointed shall while so acting be deemed to be a member and shall have the immunities, powers, authorities, duties and functions of the member in whose office he

(6) A person does not, by reason only of his being appointed under subsection (5) to act in the office, referred to in section 6 (1), of the Deputy Chairman, become the Deputy Chairman.

25 (7) A person who is of or above the age of sixty-five years shall not be appointed as a member or be appointed under subsection (5).

(8) Subsection (1) does not prevent a member of the Commission, who, at any time during the period com-30 mencing on the day appointed and notified under section 2 (b) and ending on the appointed day, is a member of The Hospitals Commission of New South Wales or the Board of Health or is an officer under the Public Service Act, 1902, from carrying out, during that period, the duties of his office
35 as a member of The Hospitals Commission of New South Wales or that Board, or as such an officer, as the case may be.

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8. (1) If the Deputy Chairman is not a medical prac- Provisions titioner, a person who is not a medical practitioner shall not chairman be appointed under section 6 as Chairman. and Deputy Chairman.

(2) If the Chairman is not a medical practitioner, a 5 person who is not a medical practitioner shall not be appointed under section 6 as Deputy Chairman.

(3) In the case of the absence through illness or any other cause of the Chairman, the Deputy Chairman shall, if a person has not been appointed under section 10 7 (5) to act in the office of the Chairman, act in the place of

- the Chairman, and while so acting shall be deemed to be the Chairman and shall have the immunities, powers, authorities, duties and functions of the Chairman.
- 9. No person shall be concerned to enquire whether or Substitute 15 not any occasion has arisen requiring or authorising the member's Deputy Chairman to act in the office of the Chairman or a act not person, appointed under section 7 (5), to act in the office examinable. of any member, and all acts or things done or omitted by the Deputy Chairman or that person while so acting shall be
- 20 as valid and effectual and shall have the same consequences as if they had been done or omitted by the Chairman or the member in whose office the person, appointed under section 7 (5), was appointed to act.

10. (1) A member shall be deemed to have vacated his Casual 25 officevacancy.

(a) if he dies:

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- (b) if he engages in any paid employment outside the duties of his office;
- (c) if he absents himself from duty for a period exceeding fourteen consecutive days, except on leave granted by the Minister (which leave the Minister is hereby authorised to grant) unless his absence is occasioned by illness or other unavoidable cause;

(d)

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- (d) if he becomes a bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes any assignment of his salary or allowances as a member, or of his estate, for their benefit;
- (e) if he becomes a temporary patient or a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention, under Part VII of that Act;
- (f) if he is convicted in New South Wales of a felony or of a misdemeanour punishable by imprisonment for twelve months or upwards, or if he is convicted elsewhere than in New South Wales of an offence which if committed in New South Wales would be a felony or a misdemeanour so punishable;
- (g) if he resigns his office by writing under his hand addressed to the Governor and the Governor accepts the resignation;

(h) if, at any meeting of the Commission at which he is present and at which any agreement or proposed agreement in which he has a direct or indirect pecuniary interest, or any other matter in which he has such an interest, is the subject of consideration or is included on the agenda for consideration—

- (i) he fails, as soon as practicable after the commencement of the meeting, to disclose to the meeting his interest in; or
- (ii) he takes part in the consideration or discussion of, or votes on any question with respect to,

the agreement, proposed agreement or other matter;

(i) if—

(i) he has any direct or indirect pecuniary interest in any agreement with a hospital, within the meaning of the Public Hospitals Act.

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Act, 1929, a private hospital or nursing home within the meaning of the Private Hospitals Act, 1908, or an authorised hospital within the meaning of the Mental Health Act, 1958, or in any other matter in which such a hospital, private hospital, nursing home or authorised hospital is concerned, other than an agreement for, or other matter relating to, the care or treatment of any person by the hospital, private hospital, nursing home or authorised hospital;

 (ii) he is a member of the governing body of any such hospital, private hospital, nursing home or authorised hospital or holds any position concerned in the administration of any such hospital, private hospital, nursing home or authorised hospital other than his position as a member; or

(iii) by virtue of his office as a member, he accepts or acquires any personal profit or advantage other than under this or any other Act;

(j) if he is removed from office by the Governor; or

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(k) on the day on which he attains the age of sixty-five years.

(2) The Governor may, for any cause which to him seems sufficient, remove any member from office.

(3) If—

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(a) a company has a direct or indirect pecuniary interest in any agreement or proposed agreement or in any other matter the subject of consideration at a meeting of the Commission; or

(b) a company has a direct or indirect pecuniary interest in any agreement with a hospital, private hospital, nursing home or authorised hospital referred to in subsection (1) (i) or in any other matter

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matter in which a hospital, private hospital, nursing home or authorised hospital so referred to is concerned.

a member who----

- (c) is a member of the governing body of, or is a substantial shareholder, within the meaning of section 69c of the Companies Act, 1961, in that company shall, for the purposes of subsection (1) (h) and (i), be deemed to have a direct or indirect pecuniary interest in that agreement, proposed agreement or other matter; or
 - (d) has a relevant interest, within the meaning of section 6A of that Act, in any share of the company shall for the purposes of subsection (1) (h) (i) be deemed to have a direct or indirect pecuniary interest in that agreement, proposed agreement or other matter.

(4) A member who, at any time during the period commencing on the day appointed and notified under section 20 2 (b) and ending on the appointed day, is a member of The Hospitals Commission of New South Wales or the Board of Health or is an officer under the Public Service Act, 1902. shall not be deemed to have vacated his office as a member of the Commission by reason only of his engaging, during

25 that period, in paid employment as a member of The Hospitals Commission of New South Wales or that Board, or as an officer under the Public Service Act, 1902, as the case may be.

11. (1) In this section, "superannuation scheme" means Preserva-30 a scheme, fund or arrangement under which any superannua- tion of certain tion or retirement benefits are provided and which is rights of members established by or under any Act. previously

(2) Subject to subsection (3) and to the terms of servants, his appointment, where a member was, immediately before etc. 35 his appointment as a member-

(a) an officer of the Public Service; or

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| h . | (b) a contributor to a superannuation scheme; |
|------------|--|
| he- | home or aution and hospital so returned to is - |
| | (c) shall retain any rights accrued or accruing to him as such an officer or contributor; |
| 5 | (d) may continue to contribute to any superannuation scheme to which he was a contributor immediately before his appointment as a member; and |
| | (e) shall be entitled to receive any deferred or extended leave and any payment, pension or gratuity, |
| | f he had continued to be such an officer or contributoring his service as a member, and— |
| uun | and mo ber nee us a memoer, and |
| 15 | (f) his service as a member, and (f) his service as a member shall be deemed to be service as an officer or employee for the purpose of any law under which those rights accrued or were accruing, under which he continues to contri- bute or by which that entitlement is conferred; and |

- be entitled under subsection (2) to contribute to a superan-25 nuation scheme or to receive any payment, pension or gratuity under that scheme shall not be so entitled upon his becoming (whether upon his appointment as a member or at any later time while he holds office as a member) a contributor to any other superannuation scheme, and the provisions of subsec-
- 30 tion (2) (g) cease to apply to or in respect of him and the Commission in any case where he becomes a contributor to such another superannuation scheme.

(4) Subsection (3) does not prevent the payment to a member upon his ceasing to be a contributor to a super-35 annuation scheme of such amount as would have been payable to him if he had ceased, by reason of resignation, to be an officer or employee for the purposes of that scheme.

(5)

(5) A member shall not, in respect of the same period of service, be entitled to claim a benefit under this Act and another Act.

12. A member who was, immediately before his appoint- Member 5 ment as a member, an officer of the Public Service and who to receases to be a member, otherwise than pursuant to section appointment 10 (1) (paragraph (g) excepted) or section 10 (2), shall, service if he is under the age of sixty years, be entitled to be appointed in certain to some office in the Public Service not lower in classification cases.

10 and salary than that which he held immediately before his appointment as a member.

(1) The procedure for the calling of meetings of the Meetings 13. Commission and for the conduct of business at those meetings of the Commission. shall, subject to this Act and the regulations, be as determined

15 by the Commission.

(2) The Chairman shall preside at all meetings of the Commission at which he is present and, if he is absent from any meeting and any person appointed under section 7 (5) to act in the office of the Chairman is also absent from

20 that meeting, the Deputy Chairman shall preside at that meeting.

(3) In the absence from a meeting of the Chairman, of any person appointed under section 7 (5) to act in the office of the Chairman and of the Deputy Chairman, a 25 member chosen by the members present may preside at that

meeting.

(4) Three members shall form a quorum at any meeting of the Commission and any duly convened meeting of the Commission at which a quorum is present shall be com-

30 petent to transact any business of the Commission and shall have and may exercise and perform all the powers, authorities, duties and functions of the Commission.

(5) In the event of an equality of votes at any meeting of the Commission, the person presiding at the meeting 35 shall have, in addition to a deliberative vote, a second or casting vote.

(6) Subject to subsection (5), a decision of a majority of the members present at a meeting of the Commission at which a quorum is present shall be the decision of the Commission.

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(7) The Commission shall cause a record of its decisions and full and accurate minutes of the proceedings at its meetings to be kept and shall submit to the Minister a copy of the minutes of each meeting within fourteen days after the day on which it was held.

(8) No matter or thing done, and no contract 10 entered into, by the Commission, and no matter or thing done by any member or by any other person acting under the direction or as a delegate of the Commission shall, if the matter or thing was done, or the contract was entered into, bona

15 fide for the purpose of executing this Act or any other Act conferring or imposing powers, authorities, duties or functions on the Commission, subject the member or person so acting personally to any action, liability, claim or demand.

(9) Nothing in subsection (8) shall exempt any 20 member or other person from liability to be surcharged with the amount of any payment which is disallowed by the Auditor-General, and which that member or other person authorised or joined in authorising.

14. (1) The offices that comprise the staff establishment staff 25 of the Commission shall be as determined from time to time establishby the Public Service Board having regard to any recom- Commission mendations with respect thereto made by the Commission. and appoint-

ment of

(2) The Commission may from time to time submit officers and employees. to the Public Service Board recommendations with respect 30 to the offices that it considers should comprise the staff establishment of the Commission.

(3) The Governor may appoint and employ, under and subject to the Public Service Act, 1902, such officers and employees as may be necessary to enable the Commission 35 to exercise and perform its powers, authorities, duties and functions under this or any other Act, and any such officer or

or employee shall take office on such day (which may be the appointed day or a day before or after the appointed day, but may not be before the day appointed and notified under section 2 (b)) as may be specified in the instrument of his 5 appointment.

(4) A person who, immediately before the appointed day, held office under the Public Service Act, 1902, as an officer or employee in any office in the Department of Health or The Hospitals Commission of New South Wales shall be 10 deemed, on that day, to have been appointed and, on and from that day, to be employed under subsection (3) and shall—-

(a) if there is an office in the staff establishment of the Commission that corresponds to the office which he

held immediately before the appointed day, be deemed to have been appointed and to be employed in that corresponding office; or

(b) if there is no such corresponding office, be deemed to have been appointed to such office in the staff establishment of the Commission as may have been determined by the Governor on the recommendation of the Public Service Board.

(5) An officer or employee holding office under this section is, in this Act and in any other Act conferring or 25 imposing powers, authorities, duties or functions on the Commission, referred to as an officer or employee of, or as being employed by, the Commission.

(6) For the purpose of exercising and performing the powers, authorities, duties and functions conferred or 30 imposed on the Commission by this or any other Act, the Commission may, with the approval of the Minister of the Department concerned and on such terms as may be arranged, make use of the services of any of the officers or employees of any Government Department.

35 (7) The Commission may for the like purpose, with the approval of any other public authority or hospital (within the meaning of the Public Hospitals Act, 1929) or council (within the meaning of the Local Government Act, 1919) make

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make use of the services of any of the officers, servants or employees of that public authority, hospital or council, as the case may be.

15. If a member or other person discloses any information Disclosure 5 obtained in connection with the administration or execution $\frac{\text{of information}}{\text{tion.}}$ of this Act or of any other Act conferring or imposing responsibilities, powers, authorities, duties or functions on the Commission and that disclosure is not made-

> (a) with the consent of the person from whom the information was obtained;

- (b) in connection with the administration or execution of this Act or any such other Act:
- (c) for the purposes of any legal proceedings arising out of this Act or any such other Act or of any

report of any such proceedings; or

(d) with other lawful excuse,

that member or other person is guilty of an offence against this Act and, on conviction by a court of summary jurisdic-

tion, liable to a penalty not exceeding \$1,000 or to 20 imprisonment for a term not exceeding six months.

16. (1) In this section—

"Hospitals Commission" means The Hospitals Commis- Dissolution sion of New South Wales constituted under the of Hospitals Public Hospitals Act, 1929;

and Board of Health

"Board" means the Board of Health constituted under the Public Health Act, 1902;

and abolition of Depart-

"Department" means the Department known as the ment of Health. Department of Health or the Department of Public Health.

(2) On the appointed day, the Hospitals Commis-30 sion and the Board are hereby dissolved and the Department is hereby abolished.

(3) On and from the appointed day-

(a) all real and personal property and all right and interest therein and all management and control thereof that, immediately before that day, was vested

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vested in or belonged to the Hospitals Commission or the Board shall vest in and belong to the Commission;

- (b) all moneys, liquidated and unliquidated claims that, immediately before that day, were payable to or recoverable by the Hospitals Commission or the Board shall be moneys, liquidated and unliquidated claims payable to or recoverable by the Commission;
- (c) all actions and proceedings pending immediately before that day at the suit of the Hospitals Commission or the Board shall be respectively actions and proceedings pending at the suit of the Commission and all actions and proceedings so pending at the suit of any person against the Hospitals Commission or the Board shall be respectively actions and proceedings pending at the suit of that person against the Commission;

(d) all contracts, agreements, arrangements and undertakings entered into with and all securities lawfully given to or by the Hospitals Commission or the Board and in force immediately before that day shall be deemed to be contracts, agreements, arrangements and undertakings entered into with and securities given to or by the Commission;

- (e) the Commission may, in addition to pursuing any other remedies or exercising any other powers that may be available to it, pursue the same remedies for the recovery of moneys and claims referred to in this subsection and for the prosecution of actions and proceedings so referred to as the Hospitals Commission or the Board might have done but for the enactment of this Act;
- (f) the Commission may enforce and realise any security or charge existing immediately before that day in favour of the Hospitals Commission or the Board and may exercise any powers thereby conferred on

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the

the Hospitals Commission or the Board as if the security or charge were a security or charge in favour of the Commission;

- (g) all debts, moneys and claims, liquidated and unliquidated, that, immediately before that day, were due or payable by, or recoverable against, the Hospitals Commission or the Board shall be debts due, moneys payable by and claims recoverable against, the Commission; and
- (h) all liquidated and unliquidated claims for which the Hospitals Commission or the Board would, but for the enactment of this Act, have been liable shall be liquidated and unliquidated claims for which the Commission shall be liable.
- 15 (4) On and from the appointed day, a reference in any other Act or in any regulation, by-law or other statutory instrument or in any other document, whether of the same or of a different kind—
 - (a) to the Hospitals Commission or the Board or the Department shall be read and construed as a reference to the Commission;
 - (b) to any officer of the Hospitals Commission, the Board or the Department shall be read and construed as a reference—
 - (i) if there is an office in the staff establishment of the Commission that corresponds to the office held by that officer—to the person holding that office in the establishment of the Commission; or
 - (ii) if there is no such corresponding office, to such office in the staff establishment of the Commission as may be prescribed.

(5) Any act, matter or thing done or omitted to be done before the appointed day by, to or in respect of the 35 Hospitals Commission, the Board, the Department or an officer of the Department shall, to the extent that but for the

enactment

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enactment of this Act that act, matter or thing would on or after that day have had any force or effect or been in operation, be deemed to have been done or omitted to be done by, to or in respect of the Commission or an officer of the Com-5 mission, whichever of them is, on or after that day, appropriate in relation to the doing or omission to do that act, matter or thing.

(6) No attornment to the Commission by a lessee from the Hospitals Commission or the Board shall be 10 required.

17. The sums authorised by the Appropriation Act, 1972, Unexpended to be appropriated out of the Consolidated Revenue Fund funds and to be issued and applied for or towards the sub-headings for Minister of expenditure under the heading "Minister for Health" and of Health 15 that would but for this Act have been available for expendi- available for ture in connection with the functions of the Dependence of Commission

ture in connection with the functions of the Department of Commission. Health or the Hospitals Commission of New South Wales shall be deemed, to the extent that, at the appointed day, they have not been so issued or applied, to be sums authorised

20 by that Act to be appropriated out of that Fund and to be issued and applied for or towards the corresponding subheadings of expenditure in connection with the functions of the Commission.

18. (1) For the purpose of promoting, protecting, Powers, 25 developing, maintaining and improving the health and well-authorities, duties and being of the people of New South Wales to the maximum functions of extent possible having regard to the needs of and resources Commission. available to the State, the Commission shall have and may exercise and perform the following powers, authorities, duties 30 and functions :---

> (a) to initiate, promote, commission and undertake surveys and investigations into the health needs of the people of New South Wales, the resources of the State available to meet those needs and the methods by which those needs should be met;

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67-B

(b)

duties and

- (b) to inquire into and determine the nature, extent and standards of the health services, facilities and personnel required to meet the health needs of the people of New South Wales and to determine the cost of meeting those needs; (c) to plan and ensure the provision of comprehensive, balanced and co-ordinated health services throughout New South Wales; (d) to recommend to the Minister the programmes and methods by which the health needs of the people of New South Wales may be met; (e) to advise, report to and make recommendations to the Minister in respect of any matter relating to the health of the people of New South Wales; (f) to provide, conduct, operate and maintain and where necessary to improve and extend any health service or any ancillary or incidental service and to construct any buildings or works necessary for or in connection with any such service; (g) to enter into any agreement or arrangement for any other person to provide, conduct, operate and maintain any health service; (h) to undertake, promote and encourage research in relation to any health service:
- 25 (i) to promote and facilitate the provision of health services by any council (within the meaning of the Local Government Act, 1919) or by any other body or person;
 - (j) to promote and facilitate the provision by any Government Department, statutory authority, other body or person of social welfare services necessary or desirable to complement any health service;

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- (k) to provide and to arrange for the provision of the professional, technical or other education or training of any persons employed or to be employed in the provision of any health service;
- (1) to encourage the making of donations for the provision of health services; and
- (m) to do such supplemental, incidental or consequential acts as may be necessary or expedient for the exercise and performance of its powers, authorities, duties and functions under the foregoing provisions of this subsection.

(2) Nothing in subsection (1) takes away or affects the responsibilities, powers, authorities, duties or functions conferred or imposed by or under any other Act or any 15 regulation, ordinance or by-law made under any other Act and relating to the provision by any person of health services, social welfare services or other services.

19. (1) The Commission may, for the purpose of exer- Acquisition cising or performing its powers, authorities, duties or func. of land.
20 tions under this or any other Act, acquire land by purchase, lease or exchange or, in accordance with the provisions of this

section, by way of resumption or appropriation.

(2) Without limiting the generality of subsection
(1), the Commission may acquire in any manner authorised
25 by subsection (1)—

- (a) any land of which that proposed to be acquired under this section forms part; and
- (b) any land adjoining or in the vicinity of any land proposed to be acquired under this section.

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(3)

(3) For the purpose of the acquisition, under subsection (1), by the Commission of land by resumption or appropriation, the Governor may, under the Public Works Act, 1912, resume any land or appropriate any land vested5 in Her Majesty or in any person in trust for Her Majesty.

(4) A resumption or appropriation effected in accordance with subsection (3) shall be deemed to be for an authorised work within the meaning of the Public Works Act, 1912, and the Commission shall, in relation to that 10 authorised work, be deemed to be the Constructing Authority within the meaning of that Act.

(5) Sections 34, 35, 36 and 37 of the Public Works Act, 1912, do not apply to expenditure on any works constructed for the purposes of this Act, but section 38 of that 15 Act applies to any such expenditure.

20. The Commission may, with the approval of the Min-Disposal ister and subject to such terms and conditions as the Minister of land. may attach to his approval, sell, lease, exchange or otherwise deal with or dispose of land that has been acquired by the

20 Commission under this Act, or any part thereof, and may with the like approval and subject to the like terms and conditions, grant easements or rights-of-way over any such land or any part thereof.

21. (1) The Commission may make and enter into con-Contracts.
25 tracts or agreements with any person for the performance of services, or for the supply of goods, plant, machinery or material with respect to the exercise or performance by the Commission of its powers, authorities, duties and functions under this or any other Act.

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(3)

^{30 (2)} Any such contract or agreement shall be deemed, for the purposes of the Constitution Act, 1902, to be a contract or agreement for or on account of the Public Service of New South Wales.

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Health Commission.

(3) The Commission may, on such terms and conditions as may be agreed upon, sell or let out on hire any goods, plant, machinery or material acquired by it under this or any other Act.

5 22. (1) The Commission may by instrument in writing Delegation. delegate to the holder of any prescribed office the exercise or performance of such of the powers (other than this power of delegation), authorities, duties or functions conferred or imposed on the Commission by or under this or any other 10 Act as may be specified in the instrument of delegation and may in like manner revoke wholly or in part any such delegation.

(2) A power, authority, duty or function, the exercise or performance of which has been delegated under this15 section may, while the delegation remains unrevoked, be exercised or performed from time to time in accordance with the terms of the delegation.

(3) A delegation under this section—

- (a) may be made subject to such conditions or such limitations as to the exercise or performance of any of the powers, authorities, duties or functions delegated, or as to time or circumstances, as may be specified in the instrument of delegation; and
- (b) if made before the appointed day may be made with respect to powers, authorities, duties or functions that the Commission is or will, after that day, be empowered or required, by or under this or any other Act, to exercise or perform, but, in so far as it is made with respect to powers, authorities, duties or functions that the Commission will be empowered or required to exercise or perform after that day, shall not have any force or effect until that day.

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(4)

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(4) Notwithstanding any delegation made under this section, the Commission may continue to exercise or perform all or any of the powers, authorities, duties or functions delegated.

- 5 (5) Any act or thing done or suffered by a delegate while acting in the exercise of a delegation under this section shall have the same force or effect as if the act or thing done had been done or suffered by the Commission and shall be deemed to have been done or suffered by the Commission.
- 10 (6) This section does not authorise the delegation of the power of the Commission to conduct a hearing referred to in section 11B of the Public Hospitals Act, 1929.

23. (1) For the purpose of advising the Commission in Appointment of Health relation to the exercise or performance by the Commission Advisory
15 of its powers, authorities, duties and functions under this or Council and other advisory

- (a) shall appoint a Health Advisory Council and a Professional Services Advisory Council; and
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- (b) may appoint such other councils, committees and other advisory bodies as he may consider appropriate.

(2) A body appointed under subsection (1) shall carry out investigations and enquire into such matters as the Commission directs and shall advise the Commission on such 25 matters as the Commission directs.

(3) A body appointed under subsection (1) shall consist of a person, appointed as chairman by the Minister, and such other persons appointed by the Minister after consultation with the Commission and with such persons, authorities, 30 organisations and associations as he may consider appropriate.

(4)

(4) The chairman and other members of a body appointed under subsection (1) shall be appointed for such term not exceeding three years as the Minister may determine and may be dismissed by the Minister at any time.

(5) A person appointed to a body under this section shall, if he is not a member of the Public Service, be paid such fees and allowances as may be determined by the Minister.

24. The Commission shall cause to be kept, in accord-Accounts to ance with the directions, if any, given to it by the Treasurer, be kept by Commission.
10 proper books of account relating to the assets and liabilities of the Commission and to the moneys received or expended by the Commission for the purpose of the exercise and performance of its powers, authorities, duties and functions under this or any other Act.

15 25. (1) The accounts of the Commission shall be Audit. audited and reported upon by the Auditor-General who shall have, in respect thereof, all the powers conferred on him by any law for the time being in force relating to the audit of public accounts, and the Audit Act, 1902, shall apply to
20 members of the Commission and to officers and employees employed in the administration of this Act and any other Act under which powers, authorities, duties or functions are conferred or imposed on the Commission in the same manner as it applies to accounting officers of public departments.

25 (2) The Auditor-General shall report to the Commission and the Minister—

(a) whether or not in his opinion—

- (i) due diligence and care have been shown in the collection and banking of moneys payable to the Commission;
- (ii) expenditure incurred has been duly authorised, vouched and supervised; and

(iii)

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- (iii) any of the moneys or other property of the Commission or over which it has control have been misappropriated or improperly or irregularly dealt with; and
- (b) as to any other matters which in his judgment call for special notice or which are prescribed.

26. In any legal proceedings by or against the Commis- Proof of sion no proof shall be required (until evidence is given to the certain matters not contrary) ofrequired.

(a) the constitution of the Commission;

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- (b) any resolution of the Commission;
- (c) the appointment of any member or any officer or employee of the Commission; or
- (d) the presence of a quorum at any meeting of the Commission.

27. Any notice, summons, writ or other proceeding Manner of required to be served on the Commission may be served by serving certain being left at an office of the Commission, or, in the case documents of a notice, by posting it addressed to the Commission at one on Commission. 20 of its offices.

28. Every summons, process, demand, order, notice, Authenticastatement, direction or document requiring authentication by tion of certain the Commission may be sufficiently authenticated without the documents seal of the Commission if signed by the Secretary or by any of Commission. 25 other officer or employee authorised to do so by the Commission.

29. (1) A writ or other process in respect of any damage Notice of or injury to a person or to property shall not be sued out action. or served upon the Commission or any member, officer or 30 employee of the Commission or any person acting in its or his aid for anything done or intended to be done or omitted

to

to be done under this or any other Act, until the expiration of one month after notice in writing has been served on the Commission, member, officer, employee or person as provided in this section.

- (2) The notice shall state—
- (a) the cause of action;
- (b) the time and place at which the damage or injury was sustained; and
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(c) the name and place of abode or business of the intended plaintiff and of his attorney, if any, in the case.

(3) In the case of damage to property, any person who produces on demand his authority from the Commission shall be permitted to inspect the property damaged, and all 15 facilities and information necessary to ascertain fully the value of the property damaged and the amount of money, if any, expended in repairing the damage shall be given to him.

(4) At the trial of any such action the plaintiff shall not be permitted to go into evidence of any cause of action
20 that is not stated in the notice, and unless the notice has been served the plaintiff shall not be entitled to maintain the action, but at any stage of the proceedings the court in which the action is pending may, if the court deems it to be just or reasonable in the circumstances so to do—

- 25 (a) amend any defect in the notice on such terms and conditions, if any, as the court may fix; or
 - (b) direct that any non-compliance or insufficient compliance with this section shall not be a bar to the maintenance of the action.
- 30 (5) Every such action shall be commenced within the period (in this section referred to as the "prescribed period") of twelve months next after the cause of action arises but, where an application is made to the Supreme Court in

accordance

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accordance with rules of court for an extension of the prescribed period, that court may, if it is satisfied that sufficient cause has been shown or that, having regard to all the circumstances of the case, it would be reasonable so to do, make an 5 order for extension of the prescribed period for such further period and subject to such terms and conditions, if any, as may be set out in the order.

(6) Any such application for extension may be made either within the prescribed period or at any time within 10 twelve months thereafter.

(7) Any person who is dissatisfied with the decision of the court on any such application may, in accordance with the rules of court, appeal to the Court of Appeal and that court may on the appeal make any order which it considers 15 ought to have been made in the first instance.

(8) The Commission or any member, officer, employee or person to whom any such notice of action is given, may tender amends to the plaintiff, his attorney or agent at any time within one month after service of notice of action, 20 and if the tender is not accepted may plead the tender as a defence to the action.

Any charge, fee or money due to the Commission, or Recovery 30. to the Crown, in respect of any of the activities of the Com- of charges mission under the provisions of this or any other Act or any &c. by Com-25 regulation or by-law may be recovered by the Commission as a debt in a court of competent jurisdiction.

31. (1) As soon as practicable after the thirtieth day of Annual June in each year the Commission shall prepare and submit report. to the Minister a report of its work and activities for the 30 twelve months preceding that date.

(2) The Minister shall lay that report or cause it to be laid before both Houses of Parliament as soon as practicable after the receipt by him of the report.

(3) A report under subsection (1) may include any 35 report required to be made annually by the Commission under any other Act.

(4) In so far as a report under subsection (1) includes any matter that relates to a period in respect of which a report is required to be made annually by the Commission under any other Act, the provision of that other Act which requires the report to be made in respect of that period has no operation.

32. The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter which by this Act is required or permitted to be prescribed or which

10 is necessary or convenient to be prescribed for the carrying out or giving effect to this Act.

33. (1) Each Act specified in Column 1 of the Schedule Amendment is amended in the manner set forth opposite that Act in of certain Acts. Column 2 of the Schedule.

(2) The amendments to—

(a) the Noxious Trades (Amendment) Act, 1957, effected by this section and the Schedule shall commence on the day on which that Act commences;

- (b) the Public Health (Amendment) Act, 1944, so effected shall—
 - (i) in so far as they amend section 6 (1) (b), commence on the day on which section 6 (1) (b) commences; and
 - (ii) in so far as they amend section 7 (1), commence on the day on which section 7 (1) commences; and
- (c) the Therapeutic Goods and Cosmetics Act, 1972, so effected shall, if that Act has not commenced on the appointed day, commence on the day on which that Act commences.

(3) The Broken Hill Abattoirs, Markets, and Cattle Sale-yards Act does not, by reason of its being amended by subsection (1) and the Schedule, become a Public Act.

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34. (1) The continuity of any body constituted by or Savings. under any Act is not prejudiced or affected by the operation of section 16 (4) (b) or of section 33 and the Schedule and, where a member or an officer or employee of the Commission
5 takes office as a member of any such body by reason of the operation of section 16 (4) (b) or of section 33 and the Schedule, he shall, subject to the provisions of the Act or the instrument (being an instrument made under an Act) under which the body is constituted, hold office in the place of his 10 predecessor in that office and, if the appointment of his predecessor in that office was for a specified term, for the balance of that term unexpired on the appointed day.

(2) A member of The Hospitals Commission of New South Wales, who is a member of the Commission at
15 any time during the period commencing on the day appointed and notified under section 2 (b) and ending on the appointed day, shall not be deemed to have vacated his office as a member of The Hospitals Commission of New South Wales by reason only of his engaging, during that period, in paid
20 employment as a member of the Commission.

(3) The provisions of the Public Hospitals Act, 1929, or of the Public Service Act, 1902, do not prevent a member of The Hospitals Commission of New South Wales or an officer under the Public Service Act, 1902, who at any 25 time during the period commencing on the day appointed and notified under section 2 (b) and ending on the appointed day, is a member of the Commission, from carrying out, during that period, the duties of his office as a member of the Commission.

30 35. A person who, immediately before the appointed day, Members of was a member of The Hospitals Commission of New South Hospitals Commission Wales and who ceases to be such a member by reason of the ceasing to operation of any of the provisions of this Act is not entitled hold office to be paid any remuneration or compensation by reason of to compensation.
 35 his ceasing to be such a member.

SCHEDULE.

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Health Commission.

SCHEDULE.

Sec. 33.

AMENDMENTS OF ACTS.

| PA | ART | 1 |
|-----|------|---|
| 1 1 | TICT | |

| Col | umn 1. | Column 2. |
|-------------------------------|---|--|
| Year and number of Act. | Short title of Act. | Amendment. |
| 0 Private | Broken Hill Abattoirs, | Section 13— |
| | Markets, and Cattle Sale- vards Act | (a) Omit "Board of Health", insert instead "Health Commission of New South Wales"; |
| 5 | yarus Act | (b) Omit "that Board", insert instead "that Commission". |
| 1961, No. 69. | Clean Air Act, 1961 | Section 5 (1)— |
| 0 | | (a) From the definition of "Authorised officer" omit "Under Secretary" wherever occurring, insert instead |
| | | "Commission"; (b) Insert next after the definition of "Chimney" the following new defini- |
| 25 | | tion: "Commission" means the Health Commission of New South |
| 30 | | Wales constituted under the Health Commission Act, 1972. (c) Omit the definitions of "Department" and "Under Secretary". |
| | | Section 6 (2) (a)— |
| 35 | | Omit the paragraph, insert instead the following paragraph: (a) a member of the Commission from time to time nominated by the Commission or an officer o the Commission from time to time so nominated; and. |
| 10 | | Sections 6 (2) (b) (i); 11 (2); 22; 29- |
| | | Omit "Department" wherever occurring insert instead "Commission". |
| | | Sections 8 (2); 11; 12; 13 (3); 16; 17 |
| | | 20 (3); 23; 26 (1) (a); 32 (1) (c)— |
| 15 | | Omit "Under Secretary" wherever occur ring, insert instead "Commission". |

SCHEDULE—continued.

| | Colu | umn 1. | Column 2. | | |
|----|-------------------------------|---|---|--|--|
| 5 | Year and number of Act. | Short title of Act. | Amendment. | | |
| 10 | 1961, No. 69 —continued | Clean Air Act, 1961—con- tinued | Omit "his" wherever occurring, insert "its". Section 23— (a) Omit "him or": | | |
| 15 | | | (b) Omit "he or". Section 30— (a) Omit "the Under Secretary or any prescribed officer", insert instead "a member of the Commission or by an officer of the Commission authorised generally or specially by the Commission to do so"; | | |
| 20 | 1970, No. 78 | Clean Waters Act, 1970 | (b) After "character" insert "or authority". Sections 3; 8 (2); 11; 12; 14 (3); 16 (4); 19; 20; 22; 23; 25; 27 (1); | | |
| 25 | | real of contracts of the second se | 28; 31; 32 (3) (j); 36 (1)— Omit "Under Secretary" wherever occurring, insert instead "Commission". Section 5— (a) From the 16 it is a function of the state of the secretary of the secretary | | |
| 0 | | a can an Indon 60 - Indonesian 2016 - Indonesian 2016 - Indonesian 2016 - Indonesian | (a) From the definition of "authorised officer" omit "Under Secretary", insert instead "Commission"; (b) From the definition of "classified waters" omit "Under Secretary", insert instead "Commission"; | | |
| 35 | | | (c) Insert next after the definition of "classified waters" the following new definition:— "Commission" means the Health Commission of New South | | |
| 10 | | | Wales constituted under the Health Commission Act, 1972; (d) Omit the definitions of "Department" and "Under Secretary". | | |

SCHEDULE

Act No. RE., 1972.4 DA

Health Commission.

SCHEDULE—continued.

| | Cole | umn 1. | Column 2. |
|----|---------------------------------------|---|--|
| 5 | Year and number of Act. | Short title of Act. | Amendment. |
| 10 | 1970, No. 78 —continued | Clean Waters Act, 1970 — continued | Section 6 (2) (a)— Omit the paragraph, insert instead the |
| 15 | | | following paragraph:— (a) a member of the Commission from time to time nominated by the Commission or an officer of the Commission from time to |
| | i i i i i i i i i i i i i i i i i i i | ente di second Maria di second | time so nominated; and. |
| | an de ser Castario Francas | an airte an an Arthur Arthur Arthur Arthur Ar | Section 12— Omit "he", insert instead "it". |
| | | na manya Nga mangana ang a Nga dita ang tangana | Section 13 (2)— |
| 20 | to eff Locality | Constantin 1 | Omit "Under Secretary who", insert instead "Commission which". |
| | | | Section 14 (3)— Omit "he", insert instead "it". |
| | | ladar territoria Talaka territoria | Section 20- |
| 5 | | | (a) Omit from subsection (4) (a) "he", insert instead "it"; (b) Omit from subsection (5) "this" insert |
| 0 | 1 401 5 | <pre>/</pre> | (b) Omit from subsection (5) "his", insert instead "its"; (c) Omit from subsection (6) "his" where firstly occurring, insert instead "its"; |
| | | | (d) Omit from subsection (7) "Under Secretary's", insert instead "Commis- sion's". |
| | | | Section 25 (5)- |
| 5 | | handd ar tracab "tor sin Nogai Ierron on | (a) Omit "he", insert instead "it";(b) Omit "his", insert instead "its". |
| | | tan oʻr nagi Nəfatriq sociota Alfatriq sociota | Section 28 (1)— (a) Omit "him" insert instead "it": |
| | | | (a) Omit "him", insert instead "it"; (b) Omit "he", insert instead "it". |

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SCHEDULE

Act No. , 1972.

Health Commission.

SCHEDULE—continued.

| | Colu | mn 1. | Column 2. |
|----------------------|-------------------------------|---|--|
| 5 | Year and number of Act. | Short title of Act. | Amendment. |
| 10 15 20 25 | 1970, No. 78 —continued | Clean Waters Act, 1970— continued | Section 32— (a) Omit from subsection (1) "the Under Secretary", insert instead "a member of the Commission, an officer of the Commission authorised generally or specially by the Commission to do so"; (b) Omit from subsection (2) "the Under Secretary or"; (c) Omit from subsection (3) "the Under Secretary" where firstly occurring, insert instead "a member of the Commission or by an officer of the Commission authorised generally or specially by the Commission to do so"; (d) Omit from subsection (4) (a) "the Under Secretary", insert instead "a member of the Commission or by an officer of the Commission authorised by the Commission to certify the document". |
| 30 | | in the second | Section 33 (2)— Omit "officer of the Department", insert instead "member or officer of the Commission". |
| 35 | 1919, No. 6 | Conveyancing Act, 1919 | Section 85 (1) (c)— Omit "Board of Health", insert instead "Health Commission of New South Wales". |
| 40 45 | 1915, No. 45 | Dairy Industry Act, 1915 | Section 5 (4)— Omit "vested in the Board of Health at the date of the passing of this Act", insert instead "which were vested in the Board of Health at the date of the passing of this Act and are exercisable by the Health Commission of New South Wales". |

SCHEDULE

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SCHEDULE—continued.

| | Colu | ımn 1. | Column 2. |
|-----|--|--|--|
| 5 | Year and number of Act. | Short title of Act. | Amendment. |
| 10 | -continued | Dairy Industry Act, 1915— continued | Omit "Board of Health", insert instead "Health Commission of New South |
| | | | Wales". |
| | 1970, No. 29 | Dairy Industry Authority | Section 36 (2)- |
| 5 | | Act, 1970 | Omit "Director-General of Public Health" insert instead "Health Commission of New South Wales". |
| | | | Section 89 (3)— |
| 20 | | | Omit "Board of Health", insert instead "Health Commission of New South Wales". |
| | | and the second | |
| | 1934, No. 10 | Dentists Act, 1934 | Section 3 (1)— |
| 2.5 | 40 Ste 411 - 6 -700'3 | | Insert next before the definition of "Dental Board' or 'Board'" the following new definition:— "Commission" means the Health |
| 0 | n en de | | Commission of New South Wales constituted under the Health Commission Act, 1972. |
| | 1. | | Section 4— |
| | | | (a) Omit from subsection (1) "the Under Secretary, Department of Health, or a person from time to time nominated |
| 35 | | | by him", insert instead "a member of the Commission from time to time nominated by the Commission or an officer of the Commission from time to time so nominated"; |
| 10 | | | (b) In subsection (5) after "public servant" insert "or a member of the Com- mission". |

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SCHEDULE

Act No. , 1972.

Health Commission.

SCHEDULE—continued.

| | Colu | mn 1. | Column 2. |
|---|-------------------------------|---|---|
| 5 | Year and number of Act. | Short title of Act. | Amendment. |
| 0 | 1934, No. 10 —continued | Dentists Act, 1934—con- tinued | Section 10 (1) (e)— In subparagraph (i) after "dentist" insert "employed by the Commission or of a dentist"; In subparagraph (ii) after "State or" insert "in the service of the Commission or". |
| 5 | | | Section 10A (2)— |
| | | Health C. Marine Health C. Marine Nacio | In paragraph (a) after "dentist" insert "employed by the Commission or of a dentist"; In paragraph (b) after "State or" insert |
| 0 | | | "in the service of the Commission or". |
| | 1 pol | and Dephologic | Section 10D (4)— |
| | | | Omit "Director of State Psychiatric Ser- vices", insert instead "Commission". |
| | · · · · | | Section 12 (3) (b1)— |
| 5 | national State Dan st | | (a) Omit "and attached to the Division of Dental Services of the Department of Health", insert instead "who are officers or employees of the Com- mission"; |
| 0 | | | (b) Omit "such Division", insert instead "the Commission". |
| | | | Section 12A— |
| | | and the heaters | (a) Omit subsection (2) (b) (i), insert |
| 5 | | in and a start and a start with the full community and the start of the the | instead the following subparagraph:— (i) two persons each of whom is either a member of the Commission from time to time nominated by the Commission or an officer of the Commission |
| 0 | | e estructure activite description activite description | from time to time commission from time to time so nominated; (b) In subsection (2) (c) after "Public Service" insert "or a member of the Commission". |

SCHEDULE

SCHEDULE—continued.

| | Co | lumn 1. | Column 2. |
|----------|-------------------------------|--|--|
| 5 | Year and number of Act. | Short title of Act. | Amendment. |
| 10 15 | 1957, No. 58. | Fluoridation of Public Water Supplies Act, 1957 | |
| | | Dent a Dent de la marce | Section 4— |
| 20 | | | (a) Omit subsection (2) (a), insert instead the following paragraph:— (a) a member of the Commission from time to time nominated by the Commission or an officer of |
| 25 | | Continue de London Continue de London Continue de London | the Commission from time to time so nominated; and; (b) In subsection (9) after "Public Service" insert "or a member of the Com- mission". |
| | | | Sections 5; 6; 7; 11 (1) (paragraph (b) excepted)— |
| 30 | | , Munghari da Munghari daji Munghari daji | Omit "Board" wherever occurring, insert instead "Commission". |
| | | | Section 6 (2)— |
| | insai | a finnie z o statio | Omit "Board's" wherever occurring, insert instead "Commission's". |
| a c 1 | 920, No. 48 | Food Preser- | Section 3— |
| 35 | | vation by Sulphur Di- oxide Enab- ling Act, | (a) Omit the definition of "Board", insert instead the following defini- tion: |
| 40 | | 1920 Act, | "Commission" means the Health Commission of New South Wales constituted by the Health Commission Act, 1972. |

SCHEDULE

Act No. , 1972.

Health Commission.

SCHEDULE—continued.

| Column 2. |
|---|
| Column 2. |
| Amendment. |
| ttinued the definition of "Local y" omit "board", insert "Commission"; he definition of "Officer" omit , insert instead "Commission". — d" wherever occurring, insert "Commission". |
| - Hospitals Commission", insert "Health Commission"; incorporated hospital" insert iated organisation". |
| - corporated hospital" insertiated organisation". |
| — spitals Commission", inser "Health Commission". |
| Wales, Hunter District Water Board and Hospitals Commission of New South Wales. d:— Wales, and Hunter District Water Board. |
| |

SCHEDULE

Health Commission.

SCHEDULE—continued.

| | Colu | ımn 1. | Column 2. | |
|---|-------------------------------|--|---|--|
| | Year and number of Act. | Short title of Act. | Amendment. | |
| 0 | 1912, No. 24 | Inebriates Act, 1912 | Section 9 (2)— Omit "Inspector-General of the Insane, and during his absence from the State or his inability to act from illness or other cause, of the deputy Inspector-General", insert instead "Health Commission of New South Wales". | |
| 0 | | | Section 24— (a) Omit "the Inspector-General of the Insane, or such person as he may depute,", insert instead "a member of the Health Commission of New South Wales or an officer of that Commission authorised by that Commission in that behalf"; (b) Omit "or his deputy". | |
| 5 | | an a | Section 29 (1)— | |
| 0 | | and a second | Omit "the Chief Government Medical Officer, the Inspector-General of the Insane, and the Comptroller-General of Prisons", insert instead "two persons, each of whom is either a member of the Commission from time to time nominated by the Commission or an officer of the Commission from time to time so nominated, and the Commissioner of Corrective Services". | |

SCHEDULE

Health Commission.

SCHEDULE—continued.

| | Colu | umn 1. | Column 2. |
|----|-------------------------------|---|--|
| 5 | Year and number of Act. | Short title of Act. | Amendment. |
| 10 | 1937, No. 8 | King George V and Queen Mary Mater- nal and Infant Welfare Foundation Act, 1937 | Omit the definition of "Ex-officio member". Section 4— Omit the section, insert instead the following section:— |
| 20 | | | Members 4. The Foundation shall con- of the sist of seven members appointed Founda- tion. published in the Gazette, of whom— |
| 25 | | | (a) two members (one of whom shall be appointed by the Governor as Chairman of the Foun- dation) shall be appointed on the nomination of the Health Commission of |
| 30 | | | New South Wales; (b) two members shall be appointed on the nomina- tion of the University of Sydney; and (c) three members (of whom two shall be women) shall be appointed on the |
| 55 | | | nomination of the Minister. |
| 40 | | | Section 7— (a) from paragraph (e) omit "Governor; or", insert instead "Governor."; (b) omit paragraph (f). |
| | 1919, No. 41 | Local Govern- ment Act, 1919 | Section 4— (a) Insert next after the definition of |
| 45 | | | "Grants Commission" the following new definition:— "Health Commission" means the Health Commission of New South Wales constituted under |
| 50 | | | the Health Commission Act, 1972. |

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Health Commission.

SCHEDULE—continued.

| | Colu | ımn 1. | Column 2. |
|----|-------------------------------|--|---|
| 5 | Year and number of Act. | Short title of Act. | Amendment. |
| 10 | 1919, No. 41 —continued | Local Govern- ment Act, 1919—con- tinued | Section 4—continued (b) In the definition of "'Statutory body,' or 'statutory body representing the Crown,'" after "Metropolitan Meat Industry Board," insert "Health Commission of New South Wales,". |
| 15 | | | Sections 94 (1); 299A (2); 640- |
| | | teritleoff to bis | Omit "Board of Health" wherever occurring, insert instead "Health Commission". |
| | | of this Act", its | Section 94 (1)- |
| 0 | aga Jo | tte of the paint exercicative by the of Nev Se | Omit "board", insert instead "Com- mission". |
| | | | Section 132 (1)— |
| 5 | "ba | លដី" សាលាស្រីពី សាលាស្រី | Insert after paragraph (d) the following new paragraph:— (d1) land which is vested in the Crown or the Health Commis- sion and is used or occupied by the Health Commission for the |
| | intro. | mosus the He | purposes thereof; and. |
| 0 | ada ada | activity between | Section 299— |
| | | 41.404 Advantage (1.404 Advantage) | Omit "Hospitals Commission of New South Wales constituted under the Public Hospitals Act, 1929, to the extent prescribed in the regulations made |
| 5 | p) uca | iber referred (ibsocion (3)) (a), inseri ins ruch | prescribed in the regulations made under that Act", insert instead "Health Commission, to the extent prescribed in the regulations made under the Public Hospitals Act, 1929". |
| | | of the Commised of time of the test of | Section 591 (c)- |
| 0 | -41 - 1711 | efen er ut offici det freta (tre eatre): fret "public serv det of det Con | Omit "Board of Health, appointed by that board", insert instead "Health Com- mission appointed by that Com- mission". |

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SCHEDULE

Health Commission.

SCHEDULE—continued.

| | Colu | ımn 1. | Column 2. |
|----|-------------------------------|---|---|
| 5 | Year and number of Act. | Short title of Act. | Amendment. |
| 10 | 1919, No. 41 —continued | Local Govern- ment Act, 1919—con- tinued | Section 654 (5) (h)— Omit the paragraph, insert instead the following paragraph:— (h) the Health Commission. |
| | 1015 No. (0 | Maat Industry | Section 4 (4) |
| 15 | 1915, No. 69 | Meat Industry Act, 1915 | Section 4 (4)— Omit "vested in the Board of Health at the date of the passing of this Act", insert instead "which were vested in the Board of Health at the date of the passing of |
| 20 | | | this Act and are exercisable by the Health Commission of New South Wales". |
| | 1938, No. 37 | Medical Practi- tioners Act, | Section 3 (1)— |
| 25 | | 1938 | Insert next after the definition of "Board" the following new definition: |
| 30 | | | Section 5— |
| | | | (a) After "which" in subsection (1) insert "(except the member referred to in paragraph (a) of subsection (3))"; (b) Omit subsection (3) (a), insert instead the following paragraph:— |
| 35 | | | (a) a member of the Commission from time to time nominated by the Commission or an officer of the Commission from time to |
| 40 | | | (c) In subsection (8) after "public servant" insert "or a member of the Commis- sion". |

SCHEDULE—continued.

| | Colu | ımn 1. | Column 2. | |
|------------------|-------------------------------|--|--|--|
| 5 | Year and number of Act. | Short title of Act. | Amendment. | |
| 10 15 | continued | Medical Prac- titioners Act, 1938—con- tinued | Section 27A (1) (b)— Omit the paragraph, insert instead the following paragraph:— (b) a member of the Commission, who is a medical practitioner, from time to time nominated by the Commission, or an officer of the Commission, who is a medical practitioner, from time to time so nominated; and. | |
| 20 25 30 | | | Section 30 (2)— Omit the subsection, insert instead the following subsection:— (2) Where a registered person becomes a patient, or a voluntary patient, within the meaning of the Mental Health Act, 1958, the pre- scribed person shall, in the prescribed manner and within the prescribed time, cause a notice of that fact to be forwarded to the secretary to the board. | |
| 3 <i>5</i> 40 | | | Section 34 (2)— Omit the subsection, insert instead the following subsection:— (2) The committee shall consist of three members, of whom— (a) two shall be persons from time to time nominated by the Commission; and (b) one shall be a member of the board from time to time nominated by the board. | |
| | | | Sections 43 (2); 45 (1)— Omit "Board of Health" wherever occur- ring, insert instead "Commission". | |

Health Commission.

SCHEDULE—continued.

| Col | umn 1. | Column 2 | Column 2. | |
|-------------------------------|--|--|---|---|
| Year and number of Act. | Short title of Act. | Amendanes | | 1 Shon of A |
| 958, No. 45 | Mental Health Act, 1958 | Section 4— | Prace Section 274 (1) | |
| | isert instead the | "Aut | t next after the de horised hospital" the definitions:— | e following |
| | ime nominated b on, or an office rission, who is | out time to ie 'Commiss f. the Contr | uthorised officer", in any power, authorit function conferred of upon authorised offic | y, duty or or imposed cers by this |
| | ano nom , senon in nom , senon in anna , senon | | Act, means a person under section 7 authorised officer a entitled to exercise that power, authorit | to be an nd who is or perform |
| | n bastari merend | i actor "C | function. ommission" means t | he Health |
| | egistorea perat or a volunta menning of th | (b) Omit | Wales constituted Health Commission the definition of "Dire | under the Act, 1972. ector"; |
| | in the prescribe the prescribe of this fact to b | ent", defini "Su | the definition of "Su insert instead the tion:— uperintendent", in rela admission centre, | following tion to an |
| | | | hospital or an hospital, means th having charge of that centre, mental ho authorised hospital. | authorised he person admission |
| | ner) instead th | Section 7— | | |
| | aninated by th and | (a) Omit instea (1) | subsections (1) and d the following subsec The Commission ma | tions:— av appoint |
| | The to this white | the officer shall perfor | or more members or Commission to be rs who, subject to sub have and may exer rm the powers, author functions conferred o | authorised section (2), ercise and ities, duties |
| | ີ ໜ້າຍາດ ລາ ແລະຍຸ ເວັດແຜນສາຍກີ | upon (2) autho | authorised officers by An instrument apportised officer may s rs, authorities, duties that may be exec | this Act. binting an pecify the |

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Health Commission.

SCHEDULE—continued.

| | Column 1. | | Column 2. | |
|----|-------------------------------|--|--|--|
| 5 | Year and number of Act. | Short title of Act. | Amendment. | |
| 10 | 1958, No. 45— continued | Mental Health Act, 1958— continued | Section 7— <i>continued</i> performed by that authorised officer and that authorised officer shall not be | |
| 15 | | | entitled to exercise or perform any powers, authorities, duties or functions conferred or imposed by this Act on authorised officers other than those specified by the instrument of his appointment. (2A) An authorised officer shall, in | |
| 20 | | n na na dan tagi m Dia kina ma Maang | the exercise or performance of his powers, authorities, duties and func- tions under this Act, be subject to the control and direction of the Commis- sion. | |
| 25 | | an est produt Charles de Lag | (2B) The Commission shall cause every admission centre, mental hospital and authorised hospital to be visited and inspected from time to time by authorised officers, with or without | |
| 30 | | alian ang ang ang ang ang ang ang ang ang a | previous notice and at any time of the day or night as it thinks fit. (2c) An authorised officer may at any time make such inspections, | |
| 35 | TELSP | n sun nama nama nama Tim Tim | deems necessary, and shall make such inspections, investigations and inquiries as are directed by the Minister, with respect to the care, treatment or control | |
| 40 | र ग्रेडर्ड | ani soft bruida _{t i} F | of patients or voluntary patients or with respect to the management of any admission centre, mental hospital or authorised hospital. | |
| | ann Airth | , Angelic composi State Discontro cost in | (b) Omit from subsection (3) (a) "the Director", insert instead "any author-ised officer"; | |
| 45 | - Grife Grife Grife | Norr Port Start Start Start And Angel Start Start Start Start Start Start Start | (c) Omit subsection (4) (a), insert instead the following paragraph:— (a) An authorised officer, being an officer within the meaning of the Public Service Act 1002 make here any | |
| 50 | | | Public Service Act, 1902, who has any pecuniary interest, directly or indirectly, in any authorised hospital shall be deemed to be guilty of misconduct within the meaning of that Act. | |

Health Commission.

SCHEDULE—continued.

| Colum | nn 1. | Column 2. | |
|--|---|--|--|
| Year and number of Act. | Short title of Act. | Amendment. | |
| 1958, No. 45 —continued | Mental Health Act, 1958— continued | Section 7—continued (d) Omit from subsection (4) (b) "A Director or Deputy Director", insert instead "An authorised officer"; (e) Omit from subsection (5) "he", insert instead "it". Sections 7 (3) (a), (b); 17; 20 (1); 33 (2); 108 (3); 109A (3)— Omit "The Director" wherever occurring, insert instead "An authorised officer". | |
| -suri oragin Jahn Joshi Jahn | noʻ) odi 2 Maiz Rill inte 2 Maiz | Sections 7 (3) (c); 16 (c); 17; 24 (1); 25 (1); 27 (1); 28; 33 (1); 34 (2) (d); 102 (a); 104; 105; 108 (2), (6), (7)— | |
| ter a chi m chi | ing in original o tent vita in te stration for the original | Omit "the Director" wherever occurring, insert instead "an authorised officer". Sections 7 (5); 11 (1), (7); 108 (5)— | |
| | na strangen de Stan Ilyde bûn Goli bas na Tasi Goli bas de Tasi Goli bas de Stange Statistik de Stange | Omit "Director" wherever occurring, insert instead "Commission". Section 32— | |
| 19.12 19.02 | ningen en e | Omit "Director", insert instead "an author- ised officer". | |
| offi -tp-1 | (a) O naitai Na vest lange | Section 65 (1)— Omit the subsection, insert instead the | |
| these | te international de la constantia de la constantia de la constantia de la constantia de | following subsections:— (1) Except as may be directed by the Treasurer, the Master shall pay into the Hospitals Fund established under the Public Hospitals Act, 1929, for the use and benefit thereof, and at such | |
| tso s | indiana and anti-anti-anti- duna anti-anti- anti-anti-anti- anti-anti-anti-anti- anti-anti-anti-anti- | times and in such manner as the Governor may from time to time appoint, all money paid to the Master for the maintenance of any patient or voluntary patient. | |

SCHEDULE—continued.

| | Colu | mn 1. | Column 2. |
|----------|-------------------------------|---|--|
| 5 | Year and number of Act. | Short title of Act. | Amendment. |
| 10 15 | 1958, No. 45 —continued | Mental Health Act, 1958— continued | Section 65 (1)—continued (1A) The Master shall pay into the Consolidated Revenue Fund, for the use and benefit thereof, and at such times and in such manner as the Governor may from time to time appoint, all fees received by the Master, whether charged by way of percentage or otherwise and all moneys referred to in subsection (1) directed by the Treasurer to be paid into that Fund. |
| 20 | | | Section 108— (a) Omit from subsection (4) "the |
| 25 | | | Director" where firstly occurring, insert instead "an authorised officer"; (b) Omit from subsection (4) "the Director" where secondly, thirdly and fourthly occurring, insert instead "the authorised officer". |
| | $\Delta [k]$ | | Section 109A— |
| 30 | | | Omit from subsections (4) and (5) "Director" wherever occurring, insert instead "authorised officer". |
| | | ta fa | Section 110 (3)— |
| 35 | | | (a) Omit "Director" where firstly occurring, insert instead "Commission, an authorised officer"; (b) Omit "the Director" where secondly occurring, insert instead "an authorised officer". |
| | | | |
| 40 | 1912, No. 49 | Newcastle Dis- trict Abat- toir and Sale- yards Act, 1912 | Insert next after the definition of "Cattle" |
| 45 | | e es cond | Commission of New South Wales constituted under the Health Commission Act, 1972. |

SCHEDULE

SCHEDULE—continued.

| | Colu | 1. | Column 2. |
|----------|-------------------------------|--|--|
| 5 | Year and number of Act. | Short title of Act. | Amendment. |
| 10 | 1912, No. 49 —continued | Newcastle District Abattoir and Sale-yards Act, 1912— continued | Sections 10 (1); 12; 17 (3); 19 (1) (a), (2); 20; 26 (2)— Omit "Board of Health" wherever occur- ring, insert instead "Commission". |
| 15 20 | 1964, No. 44 | New South Wales Insti- tute of Psy- chiatry Act, 1964 | Section 2— Insert next after the definition of "By-laws" the following new definition:— "Commission" means the Health Commission of New South Wales constituted under the Health Commission Act, 1972. |
| 25 30 | an, an onde | na (k) knod printuo printuo masallo bea masallo bea printuo pr | Section 5— (a) Omit subsection (2) (b), (c), (d), insert instead the following paragraphs:— (b) two persons, each of whom shall be either a member of the Commission nominated by the Commission nor an officer of the Commission so nominated, and one of whom is a psychiatrist; (c) a medical practitioner who is a member or officer of the Commission, nominated by the Minister; and; (b) Omit subsection (3) (b), insert instead |
| 0 | | ti in anilarian | the following paragraph:— (b) is a member or officer of the Commission or is employed in any branch of the Repatriation Department of the Commonwealth; or. Section 6— |
| | original Societation | word to acted bay Americano n Americano | Omit ", (c) and (d)", insert instead "and (c)". |

Act No. , 1972

Health Commission.

SCHEDULE—continued.

| | Colu | ımn 1. | Column 2. |
|----|-----------------------------------|--|---|
| 5 | Year and number of Act. | Short title of Act. | Amendment. |
| 10 | Redui South Jeu the | New South Wales Insti- tute of Psychiatry Act, 1964— continued | Section 12— (a) Omit from subsection (2) (a) ", (b), (c) or (d)", insert instead "or (c)"; (b) Insert at the end of subsection (2) the following word and new paragraph:—; or |
| 15 | . 1. 10 | 5, 7: 9: 5, 7: 9: | (c) pursuant to paragraph (b) of that subsection, be appointed on the nomination of the Com- mission. |
| | 1955, No. 25 | New South | Sections 4 (1) (f); 5 (1) (a)— |
| 20 | ad be | Wales State Cancer Coun- cil Act, 1955 | Omit "Hospitals Commission" wherever |
| | | Commission | |
| 25 | 1915, No. 4 | Notification of Births Act, 1915 | Insert next before the definition of "Muni- cipality" the following new definition : |
| 0 | 0401 | eal trace, new a | "Commission" means the Health Commission of New South Wales constituted under the Health Commission Act, 1972. |
| | | 1001-11 | Section 3— |
| 35 | | | (a) Omit from subsection (1) "Under Secretary of the Department of Public Health, or to some person authorised by him to receive such notices", insert instead "Commission"; |
| 40 | | | (b) Omit from subsection (2) "the office of the Under Secretary", insert instead "an office of the Commission": |
| | -mold priving | this Act the f | (c) Omit from subsection (2) "such Under Secretary or authorised person" insert |
| 45 | Hend B South 57 972 1972 | Matters Bio Minute Microsoft <l< td=""><td> instead "the Commission"; (d) Omit from subsection (3) "Under Secretary", insert instead "Commission". </td></l<> | instead "the Commission"; (d) Omit from subsection (3) "Under Secretary", insert instead "Commission". |

SCHEDULI

SCHEDULE

SCHEDULE—continued.

| | Col | umn 1. | Column 2. | |
|-----|--|--|---|--|
| 5 | Year and number of Act. | Short title of Act. | Amendment. | |
| | 1902, No. 82 | Noxious Trades Act. | Section 3— | |
| 0 | | 1902 | Omit the definition of "The Board", insert instead the following definition:— "Commission" means the Health Commission of New South Wales constituted under the Health Commission Act, 1972. | |
| | | or a di ottor | Sections 4 (2) (a); 5; 7; 9; 10; 11; | |
| | | | 16; 18— | |
| | | | Omit "Board" wherever occurring, insert instead "Commission". | |
| 20 | | | Section 9- | |
| | an the | daal itt basisei o | Omit the heading, insert instead the following heading:— The Commission. | |
| | | | and a barren of barren | |
| | Inu o | 1552 //21030/334 | | |
| | 1957, No. 3 | Noxious | Section 2 (c) (ii)— | |
| 2.5 | 1572 | Trades (Amendment) Act, 1957 | Omit "Board" wherever occurring, insert instead "Commission". | |
| | rebul P Selection besiton | ili e transi Dian Esquei Dian Esquei | | |
| | 1953, No. 10 | Nurses Regis- | Section 3— | |
| 0 | n an | tration Act, 1953 | Insert next after the definition of "Com- | |
| | in Ada Saran Madan | | mencement of this Act" the following new definition:— "Commission" means the Health | |
| 5 | -27 1724 | | Commission of New South Wales constituted under the Health Commission Act, 1972. | |

Health Commission.

SCHEDULE—continued.

| | Colu | mn 1. | Column 2. |
|----|-------------------------------|--------------------------------------|---|
| 5 | Year and number of Act. | Short title of Act. | Amendment. |
| • | 1953, No. 10 —continued | Nurses Registration Act, 1953- | Section 5— (a) Omit subsection (1) (a), (b), insert |
| 0 | 8. N | continued | (a) Unit subsection (i) (a), (b), inset instead the following paragraphs:— (a) two, each of whom shall be a member of the Commission nominated by the Commission |
| 5 | | | or an officer of the Commission so nominated and of whom one shall be appointed to be Chair- man of the Board; |
| 20 | | | (b) one shall be a psychiatrist who is a member of the Commission nominated by the Commission or who is an officer of the Com- mission so nominated; |
| 25 | | | (b) Omit subsection (1) (h); (c) Omit from subsection (1) "The member referred to in paragraph (a) of this subsection", insert instead "The person appointed to be Chairman of the |
| 0 | | | Board"; (d) Omit from subsection (1) "The member referred to in paragraph (b) of this subsection may from time to time nominate a person to act in his place |
| 5 | | | as a member."; (e) Omit subsection (4), insert instead the following subsection:— (4) A member of the Board who is not a member of the Public Service on |
| 0 | | | a member of the Commission snall be paid such fees as the Governor may from time to time direct. |
| | | | Section 9 (2) (a)— Omit "Hospitals Commission of New South |
| 5 | | | Wales" wherever occurring, inser- instead "Commission". |
| 50 | | | Section 25 (1)— Omit "Director-General of Public Health or a legally qualified medical practi- tioner authorised by him in tha behalf", insert instead "Commission". |

SCHEDULE—continued.

| | Colu | mn 1. | Column 2. |
|----|-------------------------------|------------------------|--|
| ; | Year and number of Act. | Short title of Act. | Amendment. |
| | 1963, No. 35 | Optical Dispensers | Section 6 (2) (a)— |
| 0 | | Act, 1963 | Omit the paragraph, insert instead the following paragraph:— (a) one shall be a member of the |
| 5 | | | Health Commission of New South Wales nominated by that Commission or an officer of that Commission so nominated; |
| | | 1. A. C. | Section 7— |
| 20 | | | (a) Omit "Under Secretary, Department of Public Health,", insert instead "member appointed under paragraph (a) of subsection (2) of section 6"; (b) Omit ", whether constituted under section five or six of this Act". |
| | | | Section 11— |
| 5 | | | After "Public Service" insert "or a mem- ber of the Health Commission of New South Wales". |
| | 1930, No. 20 | | Section 4— |
| 0 | | Act, 1930 | Insert next after the definition of "Board" the following new definition:— "Commission" means the Health Commission of New South Wales constituted under the |
| 5 | | | Health Commission Act, 1972. |
| | | Al de la salar | Section 5— |
| 0 | | | (a) Omit subsection (2) (f), insert instead the following paragraph:— (f) one shall be a member of the Commission nominated by the Commission or an officer of the Commission so perimeted |
| | | | Commission so nominated. (b) Omit from subsection (6) "Under Secretary, Department of Public |
| 5 | | | Health", insert instead "person appoin- ted under paragraph (f) of subsection (2)"; |

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Health Commission.

SCHEDULE—continued.

| | Colu | umn 1. | Column 2. |
|----------|-------------------------------|---|---|
| 5 | Year and number of Act. | Short title of Act. | Amendment. |
| 10 | 1930, No. 20 —continued | Optometrists Act, 1930— continued | Section 5—continued (c) Omit from subsection (10) "Under Secretary, Department of Public Health,", insert instead "person appointed under paragraph (f) of sub- section (2)". |
| 15 | | | Section 29A (5)— |
| | | 14.17 | Omit "Director-General of Public Health", insert instead "Commission". |
| | 10(1) 10 | | |
| ••• | 1964, No. 48 | Pharmacy Act, 1964 | |
| 20 25 | | | (a) After "who" in subsection (2) insert "(except in the case of the member referred to in paragraph (b))"; (b) Omit subsection (2) (b), insert instead the following paragraph:— (b) one shall be a member of the Health Commission of New South Wales from time to time |
| 30 | | | nominated by that Commission or an officer of that Commission from time to time so nominated; (c) After "Board" in subsection (3) insert ", other than the member referred to |
| 35 | | t trans stores (| in paragraph (b) of subsection (2),"; (d) In subsection (5) after "public servant" insert "or a member of the Health Commission of New South Wales". |
| | 1966, No. 31 | Poisons Act, | Section 4 (1)— |
| 40 45 | | 1966 | (a) Insert next after the definition of "Automatic machine" the following new definition:— "Commission" means the Health Commission of New South Wales constituted under the Health Commission Act, 1972. (b) Omit the definition of "Under Secretary". |

SCHEDULE

SCHEDULE—continued.

| | Colu | ımn 1. | Column 2. |
|----|-------------------------------|------------------------|--|
| 5 | Year and number of Act. | Short title of Act. | Amendment. |
| | 1966, No. 31 —continued | Poisons Act, | Section 6— |
| 0 | —continuea | 1966—con- tinued | (a) Omit subsection 2 (a), insert instead the following paragraph:— (a) a member of the Commission from time to time nominated |
| 15 | | | by the Commission or an officer of the Commission from time to time so nominated; (b) In subsection (11) after "Public Service" insert "or a member of the Commission". |
| 20 | | | Section 10 (1)— |
| | | | Omit "Under Secretary, or such other person as may from time to time be nominated by him for the purpose,", insert instead "Commission". |
| 25 | | | Sections 16 (1); 19 (1), (1B); 24 (2) (d), (e), |
| | | | (f); 43 (1)— |
| | | | Omit "Under Secretary" wherever occur- ring, insert instead "Commission". |
| | | | Section 19— |
| 30 | | | Omit from subsection (1A) "Under Secretary for reasons that he", insert instead "Commission for reasons that it". |
| | | | Section 24— |
| 35 | | | (a) Omit from subsection (2) (d) "he", insert instead "it"; (b) Omit subsection (2A). |
| | | | Section 27— |
| | | | Omit the definition of "Director-General". |
| 40 | | | Sections 28; 29 (1), (2), (3), (4), (5) (c); 30 (4)— |
| | | | Omit "Director-General" wherever occur- ring, insert instead "Commission". |

Health Commission.

SCHEDULE—continued.

| | Colu | mn 1. | Column 2. |
|----|-------------------------------|------------------------|--|
| 5 | Year and number of Act. | Short title of Act. | Amendment. |
| | 1966, No. 31— | Poisons Act, | Section 29— |
| 10 | continued | 1966— continued | (a) Omit from subsection (4) "he", insert instead "it"; (b) Omit from subsection (5) (d) "the Director-General", insert instead "a member of the Commission or by an |
| 15 | | | officer of the Commission authorised generally or specially by the Commis- sion to do so". |
| | | | Section 30 (5)— |
| 20 | | | After "Public Service", insert "or a member of the Commission". |
| | | | Section 37 (1)— |
| 25 | | | (a) Omit "person for the time being holding office as Director-General of Public Health", insert instead "Commission"; (b) Omit "his", insert instead "its". |
| | | | Section 39— |
| 30 | | | (a) Omit "the Under Secretary" where firstly occurring, insert instead "a member of the Commission or by an officer of the Commission authorised generally or specially by the Commis- sion to do so"; |
| 35 | | | (b) Omit "of the person appearing to have signed the certificate or that he way the Under Secretary", insert instead "or of the official character or authority of the person purporting to have signed the certificate". |
| 40 | 1908, No. 14. | Private Hospi- | Section 2— Omit the definition of "Commission" |
| | | tals Act, 1908 | insert instead the following defini tion:— "Commission" means the Health |
| 45 | | | Commission of New South Wales constituted under the Health Commission Act, 1972. |

SCHEDULE

Health Commission.

SCHEDULE—continued.

| | Colur | mn 1. | Column 2. |
|----|-------------------------------|---|--|
| 5 | Year and number of Act. | Short title of Act. | Amendment. |
| 10 | 1908, No. 14 —continued | Private Hospitals Act, 1908 —continued | Section 11 (1)— Omit "Board of Health" wherever occur- ring, insert instead "Commission". Section 24— |
| 15 | | | Omit "the Hospital Fund established under the Public Hospitals Act, 1929", insert instead "Consolidated Revenue Fund". Section 25— |
| 20 | 15.11 | | After "commencement" where secondly occurring insert "and before the appointed day under the Health Commission Act, 1972". |
| | 1902, No. 30 | Public Health | Section 1— |
| 25 | | Act, 1902 | (a) Omit from the matter relating to Part II "BOARD OF HEALTH", insert instead "ADVISORY BOARD OF HEALTH"; (b) Omit from the matter relating to Division 1 of Part II "Board of Health", insert instead "Advisory Board of Health". |
| 30 | | | Section 3— |
| 35 | | | (a) Omit the definition of "Board", insert instead the following definition:— "Board" means the Advisory Board of Health constituted under this Act. |
| 40 | | | (b) Insert next after the definition of "Chemical closet" the following new definition:— "Commission" means the Health |
| 40 | | | Commission of New South Wales constituted under the Health Commission Act, 1972. (c) From the definition of "Health inspec- tor" omit "Board", insert instead "Commission"; |

SCHEDULE—continued.

| | Colu | ımn 1. | Column 2. |
|----------|---------------------------------|--|---|
| 5 | Year and number of Act. | Short title of Act. | Amendment. |
| 10 15 | 1902, No. 30 —continued | Public Health Act, 1902— continued | Section 3—continued (d) From the definition of "Local authority" omit "Board", insert instead "Commission"; (e) From the definition of "Officer" omit "Board", insert instead "Commission"; (f) From the definition of "President" |
| | | | omit "of Health". |
| 20 | 110 110 212 240 140 | is (mit sin asili na asir asi a la nint jesi is s his asi na no lisi asi na | PART II— Omit the heading to the Part and to Division 1, insert instead the following heading:— |
| | - | aller and a straight | PART II. |
| | | n a transferi anni persentation | THE ADVISORY BOARD OF HEALTH AND LOCAL AUTHORITIES. |
| 25 | | e bathir signa a' t Saluar si Carlo Saluar si Saluar si Saluar Saluar si Saluar si Saluar | DIVISION 1.—The Advisory Board of Health. |
| | 25 | ana na para a si India aka India aka | Section 6— |
| 30 | | provid providency provid providency providency of the providency of the character QC system of the character recommendation of the character recommendation of the character | Omit the section, insert instead the follow- ing section:— Consti- tution a body under the name of the of the "Advisory Board of Health" Board. which shall have and may |
| 35 | | regen († 1916) - Sona Ion († 1917) - Sona Sonard († 1916) - Sonard Destarie († 1916) | exercise and perform the powers, authorities, duties and functions conferred or imposed upon it by or under this or any other Act. |
| | | | Section 7— |
| 40 | | | Omit the section, insert instead the following section:— Members 7. (1) The Board shall consist of the of not less than seven nor more |
| 45 | | in have go in the in Prince Occilities Hill Patter Company State State State | Board. than ten members appointed by the Minister, of whom not less than four shall be medical practitioners. |

Health Commission.

SCHEDULE—continued.

| | Colur | nn 1. | Column 2. |
|--|-------------------------------|--|--|
| 5 | Year and number of Act. | Short title of Act. | Amendment. |
| 10 15 20 25 30 35 40 45 | 1902, No. 30— continued | Public Health Act, 1902— continued | Section 7—continued (2) One of the members of the Board shall, in and by the instrument of his appointment, be appointed as President of the Board. (3) The President shall be appointed on the nomination of the Commission. (4) A member of the Board, other than the President, shall, if he does not earlier cease to hold office, hold office for such period, not exceeding three years, as may be specified in the instrument of his appointment and shall be eligible for reappointment from time to time. (5) A person who, immediately before the appointed day under the Health Commission Act, 1972, held office as a member of the Board of Health constituted under this Part, as in force immediately before that day, shall, on and from that day, be deemed to have been appointed as a member of the Board and shall, if he does not earlier cease to hold office for such term as is equal to the part of the Board of Health, so constituted, that is unexpired on that day. |
| 50 | | | Section 9— Omit the section, insert instead the following section:— Advisory 9. The Board may and shall, powers if requested by the Commission of the to do so, prepare and furnish Board. reports and advise and make |

SCHEDULE—continued.

.

| | Colur | mn 1. | Column 2. |
|----|-------------------------------|--|--|
| 5 | Year and number of Act. | Short title of Act. | Amendment. |
| 10 | 1902, No. 30 —continued | Public Health Act, 1902— continued | Section 9—continued recommendations to the Com- mission upon any matter re- lating to the powers, author- |
| 15 | Ŋ | | ities, duties and functions con- ferred or imposed upon the Commission by this Act, the Pure Food Act, 1908, the Noxious Trades Act, 1902, the Fluorida- tion of Public Water Supplies Act, 1957, the Food Preserva- |
| 20 | | | tion by Sulphur Dioxide Enab- ling Act, 1920, or the Local Government Act, 1919. |
| | | | Sections 10; 11; 12; 13; 15; 16; 17; |
| 25 | | | 20; 21; 23A; 24; 25; 26; 26F; 29; 29A: 30; 37; 41; 48 (1); 50; 50A; 50E; |
| | | () • · | 51 (3); 51A; 52; 54; 56; 58; 60; 61; |
| | | | 62; 63; 71; 71B; 71c; 72; 75; 94; |
| | | | 95; 96; 99; 102; 102A; 103; 105; |
| 30 | | | 107 and 110- Omit "Board" wherever occurring, insert instead "Commission". |
| | | | Section 14— |
| 35 | 1 | | Omit "Board" where firstly, sixthly, seventhly and ninthly occurring, insert instead "Commission". |
| | | | Section 18 (2)— |
| 40 | | | Omit the subsection, insert instead the following subsection: (2) A member of the Commission who is a medical practitioner shall |
| | | | |

Health Commission.

SCHEDULE—continued.

| | Colu | mn 1. | Column 2. |
|----|-------------------------------|--|---|
| 5 | Year and number of Act. | Short title of Act. | Amendment. |
| 10 | 1902, No. 30– continued | Public Health Act, 1902— continued | Section 18 (2)— <i>continued</i> have and may exercise and perform all the powers of a medical officer of health. |
| | | aphied, upon by this service? | Section 23— |
| | | Nor the North | Omit the section. |
| 15 | | Million Talui M. 50 Talai M. Bandi M. Basadi | Section 24 (1); 25— |
| 20 | | htter (Dioscida (En) 020; en (Dio 1 o Aat, Defes 3; 1 fr. 16; | Omit "President or secretary" wherever occurring, insert instead "Chairman, secretary or other officer of the Com- mission authorised generally or specially by the Commission to do so". |
| | ; e : : | 5; 26; 26°; 3; 50; 50; 3 | Sections 26A; 26B; 26C; 26D; 26E; 26F; 30A; 32B; 32C; 32D- |
| | - | 56) % (00) | Omit "board" wherever occurring, insert instead "Commission". |
| 25 | 1.20 | 64 3Q (34 3 | Sections 32A (1); 43A (1) (ha)- |
| | 2 | a 400 ang | Omit "President" wherever occurring, insert instead "Commission". |
| | 2.03 | Se anti- | Sections 43A (1); 51 (2)- |
| 0 | | 999 - 20199 (1999) 100 100 100 | Omit "Board of Health" wherever occur- ring, insert instead "Commission". |
| | | 1.41 | Section 48 (2)— |
| | | an a | (a) Omit "President or secretary, or any two members of the Board", insert |
| 5 | 192 | n Sector a second | instead "Chairman or secretary of the Commission or any officer of the Commission authorised generally or specially by the Commission to do so"; (b) Omit "Board" where secondly |
| 10 | 12 | Presidenti di La Alfredi Nomenci e internetti | occurring, insert instead "Com- mission". |

SCHEDULE—continued.

| Year and number of Act. 2, No. 30— <i>mtinued</i> | Short title of Act. Public Health Act, 1902— continued | Amendment. Section 50B— From paragraph (b) of the definition of "hospital" omit "Department of Public Health", insert instead "Commission". Section 50D— Omit "Director-General of Public Health", insert instead "Commission". Section 51 (2)— Omit "Board" where secondly occurring, insert instead "Commission". Section 73— Omit "Board or the President" wherever occurring, insert instead "Com- mission". |
|---|--|--|
| | Act, 1902- | From paragraph (b) of the definition of "hospital" omit "Department of Public Health", insert instead "Commission". Section 50D— Omit "Director-General of Public Health", insert instead "Commission". Section 51 (2)— Omit "Board" where secondly occurring, insert instead "Commission". Section 73— Omit "Board or the President" wherever occurring, insert instead "Commission". |
| | continuea | "hospital" omit "Department of Public Health", insert instead "Commission". Section 50D— Omit "Director-General of Public Health", insert instead "Commission". Section 51 (2)— Omit "Board" where secondly occurring, insert instead "Commission". Section 73— Omit "Board or the President" wherever occurring, insert instead "Com- |
| | | Omit "Director-General of Public Health", insert instead "Commission". Section 51 (2)— Omit "Board" where secondly occurring, insert instead "Commission". Section 73— Omit "Board or the President" wherever occurring, insert instead "Com- |
| | | insert instead "Commission". Section 51 (2)— Omit "Board" where secondly occurring insert instead "Commission". Section 73— Omit "Board or the President" wherever occurring, insert instead "Com- |
| | | Omit "Board" where secondly occurring, insert instead "Commission". Section 73— Omit "Board or the President" wherever occurring, insert instead "Com- |
| | n a Schendt 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 | insert instead "Commission". Section 73— Omit "Board or the President" wherever occurring, insert instead "Com- |
| | k n v nelsa | Omit "Board or the President" wherever occurring, insert instead "Com- |
| | n 11 - an cheilea ad chuis cheilea | occurring, insert instead "Com- |
| | and a second s | |
| | | Section 108 (1)— |
| | | (a) Omit "Board" where firstly, secondly and fourthly occurring, insert instead "Commission"; (b) Omit "President of the Board", insert |
| | | instead "Chairman, secretary or other officer of the Commission authorised generally or specially by the Com- mission to do so". |
| , No. 16 | | Sections 6 (1) (b); 7 (1)— |
| | Act, 1944 | Omit "Board" wherever occurring, insert instead "Commission". |
| , | No. 16 | No. 16 Public Health (Amendment) Act, 1944 |

Health Commission.

SCHEDULE—continued.

| | Colu | mn 1. | Column 2. |
|--------|---|--|--|
| | Year and number of Act. | Short title of Act. | Amendment. |
| 0 5 | 1902, No. 110 | Public Health (Night-soil Removal) Act, 1902 | Section 2— (a) Omit "Health Board", insert instead "Health Commission of New South Wales"; (b) Omit "Board" where secondly occur- ring, insert instead "Commission"; (c) Omit "Board of Health", insert instead "Commission". |
| | 1929, No. 8 | Public Hospi- tals Act, 1929 | |
| 0 | 10/ | and a "imblent | Section 1 (2)— |
| 5 | -71 -20 -20 -20 -20 -20 -20 -20 -20 -20 -20 | Gin basien nons disul m not interi unit not Pracol unit | (a) From the matter relating to Part II omit "Hospitals Commission", insert instead "Health Commission"; (b) Insert next after the matter relating to Part Va the following new matter:— PART VB.—Hospitals Conducted By THE Health Commission. |
| | | is to take of a not to take the | (c) Insert at the end "FIFTH SCHEDULE.". |
| 0 | | a sur o da | Section 3— |
| | | | (a) Omit the definition of "Commission", insert instead the following defini- tion:— "Commission" means the Health |
| 5 | | 1) 1) 100-10-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1- | Commission of New South Wales constituted under the Health Commission Act, 1972. (b) In the definition of "Hospital" after "applied" insert "by or under section |
| 0 | | | "applied" insert "by or under section 4". |
| | | | |
| | | | |

SCHEDULE

Health Commission.

SCHEDULE—continued.

| , | Colu | ımn 1. | Column 2. |
|------------|-------------------------------|---|---|
| 5 | Year and number of Act. | Short title of Act. | Amendment. |
| 10 | 1929, No. 8— continued | Public Hospi- tals Act, 1929 —continued | Section 4 (1)— After "VA", insert "or Part VB". PART II, heading— Omit "HOSPITALS COMMISSION", insert instead "HEALTH COMMISSION". |
| | | | Sections 5; 6; 7; 8; 9; 10— |
| 15 | | | Omit the sections. |
| | | | Section 11— |
| 20 | | | Insert at the end of subsection (1) the following new paragraph:— (h) to conduct, manage, maintain and operate and, where neces- sary, to extend and improve the hospitals mentioned in the Fifth Schedule. |
| 25 | | | Insert at the end the following new sub- section:— (3) Where the Commission is of the opinion that it is in the public interest to do so, it may close any of the hospitals mentioned in the Fifth |
| 30 | | | Schedule. |
| | | | Section 17— (a) Omit subsection (2) (a), insert instead the following paragraph:— (a) all moneys appropriated by |
| 35 | | | Parliament for the purposes of this Act (including moneys so appropriated for the granting of subsidies or other assistance to |
| 4 0 | | | hospitals and associated organ- isations) and, subject to sub- section (2A), all other moneys received by the Commission from any other source pursuant |
| 45 | | | to the exercise or performance of its powers, authorities, duties or functions under this Act; and; |

SCHEDULE

SCHEDULE—continued.

| | Colu | mn 1. | Column 2. |
|---|-------------------------------|---|--|
| | Year and number of Act. | Short title of Act. | Amendment. |
| 0 | 1929, No. 8– continued | Public Hospi- tals Act, 1929 —continued | (b) Insert next after subsection (2) the following new subsection:— (2A) The Commission shall pay to the Treasurer such amount as is determined by the Treasurer as representing moneys received by the Commission in respect of the care or treatment of patients in hospitals mentioned in the Fifth Schedule given before the |
|) | | | appointed day under the Health Commission Act, 1972. |
| | | nacijos na Pa de esta las lagences de | Section 29B (1) (a)— (a) Omit from subparagraph (ii) "and", insert instead "or"; (b) Insert next after subparagraph (ii) the |
| 5 | od sa phile daha | n griadia ac | (b) Insert next after subparagraph (ii) the following new subparagraph:— (iii) the planning or construction of any building or facility for use as or by a hospital or proposed hospital; and. |
|) | aria La | n noise a na Ta Mana a na Ta | Part VB— |
| | du " Filib | ene stala van Pu po beech | Insert next after Part VA the following new Part:— PART VB.—HOSPITALS CONDUCTED BY THE HEALTH COMMISSION. |
| 5 | Tarstan 1 | Harri (G. (Gru Harri (G. (Gru Harri (G. (Gru Harri (G. (Gru Harri (G. (Gru))) | Altera- tion of the recommendation of the Fifth Commission, by order pub- Schedule. lished in the Gazette, amend the Fifth Schedule— |
|) | | tern sold korh true srif of that | (a) by inserting therein the |
| | i and | hoteko on intega | name of a hospital or proposed hospital which is being, or is to be, conducted by the Com- |
| 5 | | | conducted by the Com- mission; (b) alter the name of any hospital specified in that Schedule; or |

SCHEDULE

Health Commission.

SCHEDULE—continued.

| | Colur | nn 1 | Column 2. |
|---|---|--|---|
| | Year and number of Act. | Short title of Act. | Amendment. |
| | 1929, No. 8— | | Part VB—continued |
| | continued | tals Act, 1929 —continued | (c) where the Commissio has closed any suc hospital, remove th name of that hospita from that Schedule. |
| | | a i ri gra aa gu daa (Chai | Section 33 (2)— |
| | | | Omit "or on behalf of the State", inser instead "the Commission". |
| | | "ou go os nois | Section 36 (1)— |
| | | | After "hospital" insert "(including a hospital mentioned in the Fifth Schedule)". |
| | | | Fifth Schedule— |
| | stinoli | અલોઇ પ્રાપ્ય છે. બેલા પ્રાપ્ય વિદ્યુ વિદ્યુ | Insert next after the Fourth Schedule th following new Schedule: |
| | Headh | | FIFTH SCHEDULE. Secs 11 (1 |
| 5 | ndi tul 1991 - Isuali ne juske | Contral - Antonio | Allandale Hospital (h), 293 Bloomfield Hospital Broughton Hall Psychiatric Clinic Callan Park Hospital |
|) | anime. | Contraction of The | David Berry Hospital Garrawarra Hospital Gladesville Hospital Grosvenor Hospital |
| | := Q = 1 | 4, alb 11 gl | Kenmore Hospital Lidcombe Hospital Marsden Hospital |
| | | | Morisset Hospital Newcastle Psychiatric Centre North Ryde Psychiatric Centre Parramatta Psychiatric Centre |
| | "dı tel başlını | de Jourd of Intial, intern | Peat and Milson Islands Hospital Randwick Chest Hospital Rydalmere Hospital |
| | | | Stockton Hospital Strickland House Tomaree Holiday Lodge |

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SCHEDULE

Act No. , 1972

Health Commission.

SCHEDULE—continued.

| Colur | nn 1. | Column 2. |
|-------------------------------|--|--|
| Year and number of Act. | Short title of Act. | Amendment. |
| 1901, No. 29 0 5 | Public Institu- tions Inspec- tion Act, 1901 | Section 6— Omit "or infirmaries only the Hospitals Commission of New South Wales or an officer duly authorised by it in that behalf under its seal either generally or in a particular case", insert instead "(within the meaning of the Public Hospitals Act, 1929) only the Health Commission of New South Wales or an officer of that Commission author- ised generally or specially in writing by the Commission to do so". |
| an kinata Koful | | α 1 Lo. In Tealλ |
| 1908, No. 31 5 | Pure Food Act, 1908 | Section 4— (a) Omit from subsection (1) the definition of "Board", insert instead the following definition:— |
| 5 | | 18; 19; 19A; 20; 21 (3); 22 (1); |
| | | 26; 32; 34; 37; 51 (2); 53; 54 55— |
| 0 | 6.2, 1645 | Omit "board" and "Board of Health" wherever occurring, insert instead "Commission". |

SCHEDULE

Health Commission.

SCHEDULE—continued.

| | Colur | nn 1. | Column 2. |
|----|-------------------------------|--------------------------------------|---|
| 5 | Year and number of Act. | Short title of Act. | Amendment. |
| 10 | azza | Pure Food Act, 1908— continued | Section 6 (1)— (a) Omit "the president of the Board of Health,", insert instead "a member of the Commission nominated by the Commission, or an officer of the Commission so nominated,"; (b) Omit "the medical officer of health, metropolitan combined sanitary districts", insert instead "a medical officer of health within the meaning of the Public Health Act, 1902, from time to time nominated by the Commission". |
| 25 | | | Section 8— (a) After "public service" insert "or a member of the Commission"; (b) Omit ", but such fees shall not exceed four dollars twenty cents per member per sitting". |
| 50 | | | Section 51— (a) Omit from subsection (1) "president of the board", insert instead "Commission"; (b) Omit from subsection (1) "he", insert instead "it"; |
| 5 | | | (c) Omit from subsection (1) "his", insert instead "its"; (d) Omit from subsection (1) "him", insert instead "it"; (e) Omit from subsection (2) "said president", insert instead "Com- mission"; |
| 10 | | | (f) Omit from subsection (3) "of the president". Section 51A— (a) Omit from subsection (1) the defini- |
| 15 | | | tion of "Director-General"; (b) Omit from subsections (2), (3), (4), (5), (6), (8) "the Director-General" wherever occurring, insert instead "a member of the Commission". |

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SCHEDULE—continued.

| | Colu | mn 1. | Column 2. |
|----------|-------------------------------|--|--|
| 5 | Year and number of Act. | Short title of Act. | Amendment. |
| 10 | 1957, No. 5 | Radioactive Substances Act, 1957 | Section 3— Omit the definition of "Under Secretary". Section 4— |
| 15 20 | | | (a) Omit subsection (2) (a), insert instead the following paragraph:— (a) a member of the Health Commission of New South Wales from time to time nominated by that Commission or an officer of that Commission from time to time so nominated; and; (b) In subsection (10) after "Public Service" insert "or of the Health Commission of New South Wales". |
| | | | Section 11— |
| 25 | | | (a) Omit from subsection (1) (a) "Under Secretary", insert instead "Health Commission of New South Wales (in this section referred to as "the Com- mission")"; |
| 30 | | 3 | (b) Omit from subsections (1) (b), (c), (2) "Under Secretary" wherever occurring, insert instead "Commission". |
| | 1970, No. 95 | State Pollu- tion Control | Section 6 (2) (b) (ii)— |
| 35 | | Commission Act, 1970 | Omit the subparagraph, insert instead the following subparagraph:— (ii) one shall be a member of the Health Commission of New South Wales from time to time |
| 40 | | | nominated by that Commission or an officer of that Com- mission from time to time so nominated; and. |

SCHEDULE

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Health Commission.

SCHEDULE—continued.

r

| | Colur | nn 1. | Column 2. | |
|---|-------------------------------|--|---|--|
| 5 | Year and number of Act. | Short title of Act. | Amendment. | |
| 0 | continued tion Control | Section 18 (2) (e)— Omit the paragraph, insert instead the following paragraph:— (e) one shall be a member of the | | |
| 5 | | continuea | Health Commission of New South Wales nominated by that Commission or an officer of that Commission so nominated. | |
| | 1972, No. 14 | Therapeutic Goods and | Section 4 (1)— | |
| 0 | | Cosmetics Act, 1972 | (a) Insert next after the definition of "automatic machine" the following new definition:— "Commission" means the Health Commission of New South | |
| 5 | | Anna Air Iorai | Wales constituted under the Health Commission Act, 1972; (b) Omit the definition of "Under Secretary". | |
| 0 | | | Section 7 (2) (a)— Omit the paragraph, insert instead the following paragraph:— (a) a medical practitioner, being a member of the Commission from time to time nominated by the Commission or being an officer of the Commission from time to time so nominated; and. | |
| | | | Sections 10 (2); 19; 20 (1); 21; 28; | |
| | | | 29; 31 (3) (a); 33 (5); 35; 37; 39; | |
| 0 | | | 41 (1); 45; 52— Omit "Under Secretary" wherever occurring, insert instead "Commission". Sections 21 (5); 28 (1), (2)— Omit "he" wherever occurring, insert instead "it". | |

Health Commission.

SCHEDULE—continued.

| | Colur | nn 1. | Column 2. |
|----|-------------------------------|--|---|
| 5 | Year and number of Act. | Short title of Act. | Amendment. |
| 10 | 1972, No. 14 —continued | Therapeutic Goods and Cosmetics Act, 1972— continued | Section 53 (1)— Omit "the Under Secretary", insert instead "a member of the Commission or by an officer of the Commission authorised generally or specially by the Com- mission to do so". |
| 15 | 1912, No. 21 | Trustees Audit Act, 1912 | Sections 4; 5— Omit "Hospitals Commission" wherever occurring, insert instead "Health Com- mission". |
| 20 | 1918, No. 46 | Venereal Diseases Act, 1918 | Section 2— Omit the definition of "Minister". |
| 25 | | | Section 9A (1)— Omit "Department of Public Health", insert instead "Health Commission of New South Wales". |
| | | | Sections 24; 27— Omit "Minister" wherever occurring, insert instead "Commission". |

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SCHEDULE—continued.

| | Colu | ımn 1. | Column 2. | |
|---|-------------------------------|------------------------|------------|--|
| 5 | Year and number of Act. | Short title of Act. | Amendment. | |

PART 2.

| 1929, No. 8 10 | Public Hospi- tals Act, 1929 | Sections 40BA; 40BB— Insert next after section 40B the following |
|-------------------|--|---|
| | The Source Market Street Street | new sections:- |
| 15 | | Deter- mination 40BA. (1) In this section "hospital" means any hos- pital whose name is included in the Second employ- ment of Schedule or Third |
| 20 | n mahada yangela 19 milah sa ali 20 alia dia dia 19 milah dia | officers any associated organ- and isation whose name is employees included in the Fourth of Schedule; |
| 25 | no paga na paga na paga Bi Da Baran na paga na Bi Bi Da Baran na paga na paga Taga na paga na | hospitals. "Public Service Board" means the Public Service Board consti- tuted by the Public Service Act, 1902. |
| 30 | | (2) Except in so far as provision is otherwise made by law, the conditions of employ- ment, including salaries, wages or remuneration, of the officers |
| 35 | | and employees of hospitals shall be as may be determined from time to time by the Public Service Board after consultation with the Commission. |
| 40 | | (3) The Public Service Board shall, for the purpose of making any determination under subsection (2) or of any pro- ceedings relating to officers and employees of hospitals, held |
| 45 | yr centre (1997) See See Committee (1997) See Committee (1997) See Committee (1997) See Committee (1997) See Committee (1997) | before a competent tribunal having power to deal with industrial matters within the meaning of the Industrial Arbi- tration Act, 1940, be deemed to |
| 50 | n - Eister Standard Richter Standard I | be the employee of the officers and employees of hospitals. (4) The Public Service Board may enter into an agree- |
| | | ment with any association or |

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Health Commission.

SCHEDULE—continued.

| | Colu | umn 1. | Column 2. | |
|-----|-------------------------------|--|---|--|
| 5 | Year and number of Act. | Short title of Act. | Amendment. | |
| 1.0 | 1929, No. 8– continued | Public Hospi- tals Act, 1929 —continued | , 177 | |
| 10 | | | organisation representing any group or class of officers and employees of hospitals with | |
| 15 | | lenini su sua e | respect to the salaries, wages or remuneration of that class or group. | |
| 15 | | d (n. 2023) d (n. 2023) atum signa h | (5) An agreement re- ferred to in subsection (4) shall bind all officers and employees | |
| 20 | | n transformation Altri bay official Mai talian ang | in the class or group affected by the agreement and no such officer or employee, whether a member of the association or | |
| 25 | | n de stander fan de stander Skinse Ruffer stander | organisation with which the agreement was entered into or not, shall have any right of appeal against the terms of the | |
| | | | agreement. (6) Any determination made by the Board in respect | |
| 30 | | Evalut in 50 failed Evalut in 50 failed officiencies outdo officiencies officiencies | of a matter referred to in sub- section (2), any order or de- termination made by a competent tribunal in any pro- | |
| 35 | | ales de la constant la constant de la constant la constant de la constant la constant de la constant la constant de la constant de la constant la constant de la constant de la constant la constant de la constant de la constant de la constant de la constant la constant de la const la constant de la const la constant de la constant de l | ceedings referred to in sub- section (3), and any agreement referred to in subsection (4), shall be given effect to by the | |
| 40 | | ante constant antes o 1 a - 1 al de constant antes antes a | Commission and by the hospitals employing the officers and employees. (7) Nothing in this | |
| | | | section authorises— (a) the Public Service Board to act as ar | |
| 45 | | al duin di actus mesquis dess of the | employer; or (b) any power, authority, duty or function to be exercised or performed | |
| 50 | | Antonia econipi Antonia di 153 Ini 153 - 153 Ini 153 - 153 Ini | by or in relation to the Public Service Board, otherwise than for the purposes of and in accordance with this section. | |

SCHEDULE

SCHEDULE—continued.

| | Colu | mn 1. | Column 2. |
|----------------|-------------------------------|---|--|
| 5 | Year and number of Act. | Short title of Act. | Amendment. |
| 10 15 20 | 1929, No. 8— continued | Public Hospi- tals Act, 1929 —continued | Sections 40BA; 40BB—continued Commis- sion "hospital" means any hospital entitled to whose name is included in the certain Second Schedule or Third payments Schedule and includes any under associated organisation whose Local name is included in the Fourth Govern- ment (2) Any moneys that (Super- would but for this subsection be annuation) payable to a hospital under Act, 1927. section 15x or 15z of the Local Government (Superannuation) Act, 1927, shall be paid to the Commission. |
| 25 | | | (3) The Commission shall, out of the moneys re- ceived by it under subsection (2) in respect of a former con- |
| 30 | | | tributor or a contributor re- ferred to in section 15y or 15z of the Local Government (Superannuation) Act, 1927, pay to any person who has been an |
| 35 | | | employer of that former con- tributor, or contributor, and who makes application in writing to the Commission for the payment, such part of those |
| 40 | | | moneys as the Commission deems proper, having regard to the payments made by that employer in respect of that former contributor, or con- tributor, to the Local Govern- |
| 45 | | | ment Superannuation Board constituted under that Act. |

BY AUTHORITY V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1972 [60c]

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PROOF

HEALTH COMMISSION BILL, 1972

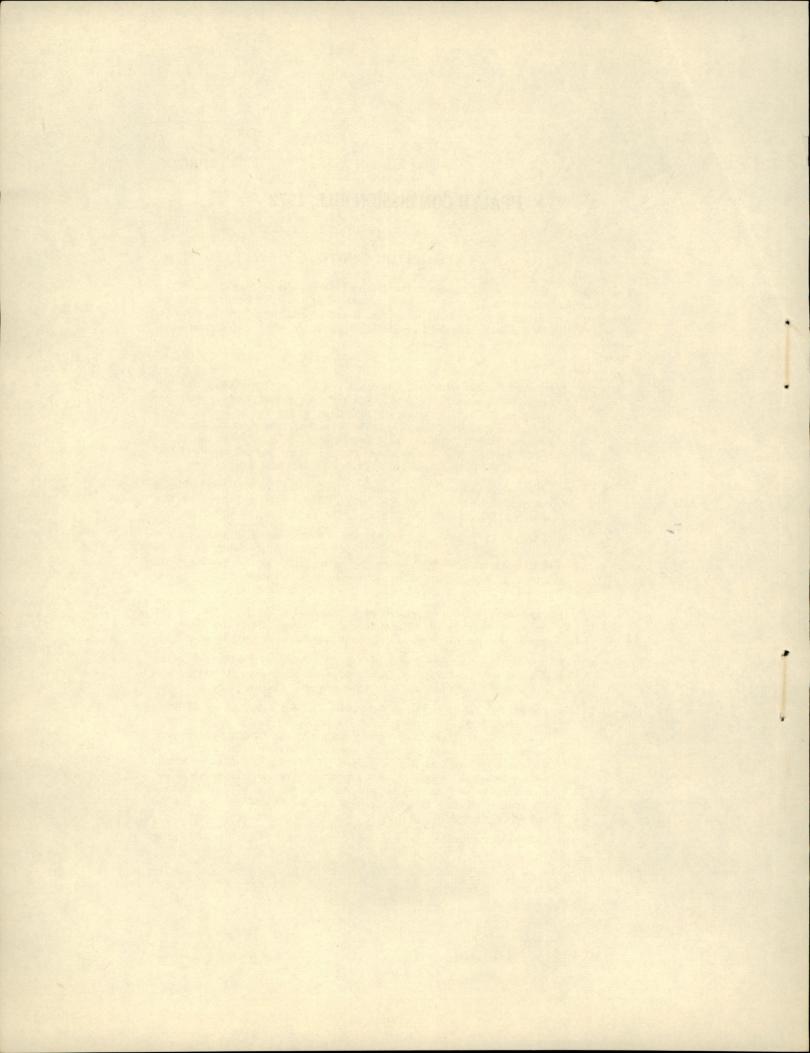
EXPLANATORY NOTE

THE object of this Bill is to constitute the Health Commission of New South Wales and to confer and impose on it all the powers, authorities, duties and functions of the Hospitals Commission of New South Wales, the Board of Health and the Department of Health (which are to be dissolved or abolished under the Bill) and certain other powers, authorities, duties and functions.

The Bill-

- (a) provides that the Health Commission will be a body corporate and will consist of five members appointed by the Governor on the recommendation of the Minister made on the advice of the Public Service Board and who shall respectively be the Chairman, the Commissioner for Personal Health Services, the Commissioner for Environmental Special Health Services, the Commissioner for Manpower and Management Services and the Commissioner for Finance and Physical Resources;
- (b) provides that the staff establishment of the Health Commission shall be as determined from time to time by the Public Service Board and that officers and employees shall be appointed under the Public Service Act;
- (c) confers and imposes on the Health Commission additional powers, authorities, duties and functions for the purpose of promoting, protecting, developing, maintaining and improving the health and well-being of the people of New South Wales to the maximum extent possible having regard to the needs of and resources available to the State;
- (d) empowers the Health Commission to acquire land by purchase, lease or exchange or by way of resumption or appropriation and, with the approval of the Minister, to dispose of any land acquired by it;
- (e) provides for the appointment of a Health Advisory Council, a Professional Services Advisory Council and such other councils, committees and advisory bodies as the Minister considers appropriate;
- (f) amends the Public Hospitals Act, 1929, as from a day to be appointed by the Governor so as to put the Public Service Board in the position of an employer for the purpose of determining the conditions of employment, including salaries, wages or remuneration, of officers and employees of hospitals, for the purpose of entering into agreements with respect to salaries wages or remuneration of any class or group of any such officers and employees and for the purpose of any industrial proceedings relating to any such officers and employees, but not for any other purpose;
- (g) makes other provisions of a minor, consequential or ancillary character.

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PROOF

No. , 1972.

A BILL

To constitute the Health Commission of New South Wales and to define its powers, authorities, duties and functions; to dissolve The Hospitals Commission of New South Wales and the Board of Health and to abolish the Department of Health; to amend the Public Health Act, 1902, the Public Hospitals Act, 1929, and certain other Acts; and for purposes connected therewith.

[MR JAGO-21 September, 1972.]

BE

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B^E 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:—

1. This Act may be cited as the "Health Commission Act, Short title. 1972".

2. The provisions—

Commencement.

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- (a) of section 1 and of this section shall commence upon the date of assent to this Act;
- (b) of sections 3 to 15 and of section 22 shall commence upon such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette;
- (c) of this Act, other than the provisions referred to in paragraphs (a), (b) and (d), shall commence upon such day, not being earlier than the day appointed and notified under paragraph (b), as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette; and
 - (d) of section 33, in so far as they effect the amendments specified in Part 2 of the Schedule, and of Part 2 of the Schedule, shall commence upon such day, not being earlier than the day appointed and notified under paragraph (c), as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

3.

Act No. , 1972.

Health Commission.

3. In this Act, except in so far as the context or subject-Interprematter otherwise indicates or requires—

"appointed day" means the day appointed and notified under section 2 (c);

"Commission" means the Health Commission of New South Wales constituted under this Act;

"health service" means any medical, hospital, ambulance, paramedical, community health or environmental health service or any other service relating to the maintenance or improvement of the health, or restoration to health, of persons or the prevention of disease in or injury to persons;

"member" means a member of the Commission;

"regulations" means regulations made under this Act.

15 4. (1) There is hereby constituted a corporation under Constituthe corporate name of the "Health Commission of New South tion of the Wales".

Commission of New South Wales.

(2) The Commission—

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(a) shall have and may exercise and perform the powers, authorities, duties and functions conferred or imposed upon it by or under this or any other Act;

- (b) shall, for the purposes of any Act, be deemed to be a statutory body representing the Crown; and
- (c) shall, in the exercise and performance of its powers, authorities, duties and functions (except in relation to the contents of a recommendation or report made by it to the Minister), be subject to the control and direction of the Minister.

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5. (1) The Commission shall consist of five members Appointappointed by the Governor on the recommendation of the ment of Minister made having regard to the advice of the Public Service Board.

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

6. (1) The members shall be appointed to offices Members to be appointed respectively as—

(a) Chairman;

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to be appointed to specified offices.

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- (b) Commissioner for Personal Health Services;
- (c) Commissioner for Environmental and Special Health Services;
- 15 (d) Commissioner for Manpower and Management Services; and
 - (e) Commissioner for Finance and Physical Resources.

(2) A member other than the Chairman shall be appointed as the Deputy Chairman.

20 (3) A member shall not be appointed to an office referred to in subsection (1) (b) or (c) unless he is a medical practitioner.

7. (1) A member shall devote the whole of his time to Provisions the duties of his office and shall be paid such annual salary relating to members
25 and allowances as the Governor may from time to time generally. determine in respect of him.

(2) A member shall, subject to this Act, hold office as a member for such term not exceeding seven years as may be specified in the instrument of his appointment and shall, 30 if otherwise qualified, be eligible for re-appointment from time to time.

(3) Any such re-appointment shall be for such term not exceeding seven years as may be specified in the instrument of re-appointment.

Act No. , 1972.

Health Commission.

(4) On the occurrence of a vacancy in the office of a member otherwise than by the expiration of the term for which he was appointed, the Governor may, on the recommendation of the Minister made having regard to the advice of the Public
5 Service Board, appoint a person to hold office as a member for the balance, or for a part of the balance, of his predecessor's term of office, as may be specified in the instrument of appointment.

(5) The Governor may, on the recommendation of
10 the Minister made having regard to the advice of the Public Service Board, appoint a person, other than a member, to act in the office, referred to in section 6 (1), of a member while that member is from time to time absent from that office through illness or any other cause or, in the case of the
15 Deputy Chairman while he is, pursuant to section 8 (3), acting from time to time in the place of the Chairman, and the person so appointed shall while so acting be deemed to be a member and shall have the immunities, powers, authorities, duties and functions of the member in whose office he

(6) A person does not, by reason only of his being appointed under subsection (5) to act in the office, referred to in section 6 (1), of the Deputy Chairman, become the Deputy Chairman.

25 (7) A person who is of or above the age of sixty-five years shall not be appointed as a member or be appointed under subsection (5).

(8) Subsection (1) does not prevent a member of the Commission, who, at any time during the period com-30 mencing on the day appointed and notified under section 2 (b) and ending on the appointed day, is a member of The Hospitals Commission of New South Wales or the Board of Health or is an officer under the Public Service Act, 1902, from carrying out, during that period, the duties of his office
35 as a member of The Hospitals Commission of New South Wales or that Board, or as such an officer, as the case may be.

8. (1) If the Deputy Chairman is not a medical prac- Provisions titioner, a person who is not a medical practitioner shall not relating to Chairman and Deputy Chairman.

(2) If the Chairman is not a medical practitioner, aperson who is not a medical practitioner shall not be appointed under section 6 as Deputy Chairman.

(3) In the case of the absence through illness or any other cause of the Chairman, the Deputy Chairman shall, if a person has not been appointed under section

- 10 7 (5) to act in the office of the Chairman, act in the place of the Chairman, and while so acting shall be deemed to be the Chairman and shall have the immunities, powers, authorities, duties and functions of the Chairman.
- 9. No person shall be concerned to enquire whether or Substitute 15 not any occasion has arisen requiring or authorising the member's Deputy Chairman to act in the office of the Chairman or a act not person, appointed under section 7 (5), to act in the office examinable. of any member, and all acts or things done or omitted by the Deputy Chairman or that person while so acting shall be
- 20 as valid and effectual and shall have the same consequences as if they had been done or omitted by the Chairman or the member in whose office the person, appointed under section 7 (5), was appointed to act.

10. (1) A member shall be deemed to have vacated his Casual vacancy.

(a) if he dies;

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- (b) if he engages in any paid employment outside the duties of his office;
- (c) if he absents himself from duty for a period exceeding fourteen consecutive days, except on leave granted by the Minister (which leave the Minister is hereby authorised to grant) unless his absence is occasioned by illness or other unavoidable cause;

(d)

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Health Commission.

- (d) if he becomes a bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes any assignment of his salary or allowances as a member, or of his estate, for their benefit;
- (e) if he becomes a temporary patient or a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention, under Part VII of that Act:
- (f) if he is convicted in New South Wales of a felony or of a misdemeanour punishable by imprisonment for twelve months or upwards, or if he is convicted elsewhere than in New South Wales of an offence which if committed in New South Wales would be a felony or a misdemeanour so punishable;
- (g) if he resigns his office by writing under his hand addressed to the Governor and the Governor accepts his resignation;
- (h) if, at any meeting of the Commission at which he is present and at which any agreement or proposed agreement in which he has a direct or indirect pecuniary interest, or any other matter in which he has such an interest, is the subject of consideration or is included on the agenda for consideration—
 - (i) he fails, as soon as practicable after the commencement of the meeting, to disclose to the meeting his interest in; or
 - (ii) he takes part in the consideration or discussion of, or votes on any question with respect to,

the agreement, proposed agreement or other matter;

(i) if—

(i) he has any direct or indirect pecuniary interest in any agreement with a hospital, within the meaning of the Public Hospitals Act.

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Act, 1929, a private hospital or nursing home within the meaning of the Private Hospitals Act, 1908, or an authorised hospital within the meaning of the Mental Health Act, 1958, or in any other matter in which such a hospital, private hospital, nursing home or authorised hospital is concerned, other than an agreement for, or other matter relating to, the care or treatment of any person by the hospital, private hospital, nursing home or authorised hospital;

- (ii) he is a member of the governing body of any such hospital, private hospital, nursing home or authorised hospital or holds any position concerned in the administration of any such hospital, private hospital, nursing home or authorised hospital other than his position as a member; or
- (iii) by virtue of his office as a member, he accepts or acquires any personal profit or advantage other than under this or any other Act;
- (j) if he is removed from office by the Governor; or
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(k) on the day on which he attains the age of sixty-five years.

(2) The Governor may, for any cause which to him seems sufficient, remove any member from office.

(3) If—

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(a) a company has a direct or indirect pecuniary interest in any agreement or proposed agreement or in any other matter the subject of consideration at a meeting of the Commission; or

(b) a company has a direct or indirect pecuniary interest in any agreement with a hospital, private hospital, nursing home or authorised hospital referred to in subsection (1) (i) or in any other matter

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matter in which a hospital, private hospital, nursing home or authorised hospital so referred to is concerned.

a member who----

- (c) is a member of the governing body of, or is a substantial shareholder, within the meaning of section 69c of the Companies Act, 1961, in that company shall, for the purposes of subsection (1) (h) and (i), be deemed to have a direct or indirect pecuniary interest in that agreement, proposed agreement or other matter; or
- (d) has a relevant interest, within the meaning of section 6A of that Act, in any share of the company shall for the purposes of subsection (1) (h) (i) be deemed to have a direct or indirect pecuniary interest in that agreement, proposed agreement or other matter.

(4) A member who, at any time during the period commencing on the day appointed and notified under section 202 (b) and ending on the appointed day, is a member of The Hospitals Commission of New South Wales or the Board of Health or is an officer under the Public Service Act. 1902. shall not be deemed to have vacated his office as a member of the Commission by reason only of his engaging, during

25 that period, in paid employment as a member of The Hospitals Commission of New South Wales or that Board, or as an officer under the Public Service Act, 1902, as the case may be.

11. (1) In this section, "superannuation scheme" means Preserva-30 a scheme, fund or arrangement under which any superannua- tion of certain tion or retirement benefits are provided and which is rights of members established by or under any Act. previously

(2) Subject to subsection (3) and to the terms of servants, his appointment, where a member was, immediately before etc. 35 his appointment as a member-

(a) an officer of the Public Service; or

(b)

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Act No. , 1972.

(b) a contributor to a superannuation scheme; he— (c) shall retain any rights accrued or accruing to him as such an officer or contributor;

- (d) may continue to contribute to any superannuation scheme to which he was a contributor immediately before his appointment as a member; and
- (e) shall be entitled to receive any deferred or extended leave and any payment, pension or gratuity,

10 as if he had continued to be such an officer or contributor during his service as a member, and—

- (f) his service as a member shall be deemed to be service as an officer or employee for the purpose of any law under which those rights accrued or were accruing, under which he continues to contribute or by which that entitlement is conferred; and
- (g) he shall be deemed to be an officer or employee, and the Commission shall be deemed to be his employer, for the purpose of the superannuation scheme to which he is entitled to contribute under this subsection.

(3) A member who, but for this subsection, would be entitled under subsection (2) to contribute to a superan25 nuation scheme or to receive any payment, pension or gratuity under that scheme shall not be so entitled upon his becoming (whether upon his appointment as a member or at any later time while he holds office as a member) a contributor to any other superannuation scheme, and the provisions of subsec30 tion (2) (g) cease to apply to or in respect of him and the Commission in the superannuation is apply to or in respect of him and the commission is apply to be ap

Commission in any case where he becomes a contributor to such another superannuation scheme.

(4) Subsection (3) does not prevent the payment to a member upon his ceasing to be a contributor to a super-35 annuation scheme of such amount as would have been payable to him if he had ceased, by reason of resignation, to be an officer or employee for the purposes of that scheme.

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(5)

(5) A member shall not, in respect of the same period of service, be entitled to claim a benefit under this Act and another Act.

12. A member who was, immediately before his appoint- Member 5 ment as a member, an officer of the Public Service and who entitled ceases to be a member, otherwise than pursuant to section appointment 10 (1) (paragraph (g) excepted) or section 10 (2), shall, Service if he is under the age of sixty years, be entitled to be appointed in certain to some office in the Public Service not lower in classification cases.

10 and salary than that which he held immediately before his appointment as a member.

(1) The procedure for the calling of meetings of the Meetings 13. Commission and for the conduct of business at those meetings of the Commission. shall, subject to this Act and the regulations, be as determined

15 by the Commission.

(2) The Chairman shall preside at all meetings of the Commission at which he is present and, if he is absent from any meeting and any person appointed under section 7 (5) to act in the office of the Chairman is also absent from

20 that meeting, the Deputy Chairman shall preside at that meeting.

(3) In the absence from a meeting of the Chairman, of any person appointed under section 7 (5) to act in the office of the Chairman and of the Deputy Chairman, a 25 member chosen by the members present may preside at that meeting.

(4) Three members shall form a quorum at any meeting of the Commission and any duly convened meeting of the Commission at which a quorum is present shall be com-30 petent to transact any business of the Commission and shall have and may exercise and perform all the powers, authorities,

(5) In the event of an equality of votes at any meeting of the Commission, the person presiding at the meeting 35 shall have, in addition to a deliberative vote, a second or casting vote.

duties and functions of the Commission.

(6)

(6) Subject to subsection (5), a decision of a majority of the members present at a meeting of the Commission at which a quorum is present shall be the decision of the Commission.

- 5 (7) The Commission shall cause a record of its decisions and full and accurate minutes of the proceedings at its meetings to be kept and shall submit to the Minister a copy of the minutes of each meeting within fourteen days after the day on which it was held.
- (8) No matter or thing done, and no contract 10 entered into, by the Commission, and no matter or thing done by any member or by any other person acting under the direction or as a delegate of the Commission shall, if the matter or thing was done, or the contract was entered into, bona
- 15 fide for the purpose of executing this Act or any other Act conferring or imposing powers, authorities, duties or functions on the Commission, subject the member or person so acting personally to any action, liability, claim or demand.

(9) Nothing in subsection (8) shall exempt any 20 member or other person from liability to be surcharged with the amount of any payment which is disallowed by the Auditor-General, and which that member or other person authorised or joined in authorising.

14. (1) The offices that comprise the staff establishment staff 25 of the Commission shall be as determined from time to time establishby the Public Service Board having regard to any recom- Commission mendations with respect thereto made by the Commission. and appoint-

ment of

(2) The Commission may from time to time submit officers and employees. to the Public Service Board recommendations with respect 30 to the offices that it considers should comprise the staff establishment of the Commission.

(3) The Governor may appoint and employ, under and subject to the Public Service Act, 1902, such officers and employees as may be necessary to enable the Commission 35 to exercise and perform its powers, authorities, duties and functions under this or any other Act, and any such officer or

or employee shall take office on such day (which may be the appointed day or a day before or after the appointed day, but may not be before the day appointed and notified under section 2 (b)) as may be specified in the instrument of his 5 appointment.

(4) A person who, immediately before the appointed day, held office under the Public Service Act, 1902, as an officer or employee in any office in the Department of Health or The Hospitals Commission of New South Wales shall be

- 10 deemed, on that day, to have been appointed and, on and from that day, to be employed under subsection (3) and shall—-
 - (a) if there is an office in the staff establishment of the Commission that corresponds to the office which he held immediately before the appointed day, be deemed to have been appointed and to be employed in that corresponding office; or
 - (b) if there is no such corresponding office, be deemed to have been appointed to such office in the staff establishment of the Commission as may have been determined by the Governor on the recommendation of the Public Service Board.

(5) An officer or employee holding office under this section is, in this Act and in any other Act conferring or 25 imposing powers, authorities, duties or functions on the Commission, referred to as an officer or employee of, or as being employed by, the Commission.

(6) For the purpose of exercising and performing the powers, authorities, duties and functions conferred or 30 imposed on the Commision by this or any other Act, the Commission may, with the approval of the Minister of the Department concerned and on such terms as may be arranged, make use of the services of any of the officers or employees of any Government Department.

35 (7) The Commission may for the like purpose, with the approval of any other public authority or hospital (within the meaning of the Public Hospitals Act, 1929) or council (within the meaning of the Local Government Act, 1919) make

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make use of the services of any of the officers, servants or employees of that public authority, hospital or council, as the case may be.

15. If a member or other person discloses any information Disclosure obtained in connection with the administration or execution of informa-5 of this Act or of any other Act conferring or imposing responsibilities, powers, authorities, duties or functions on the Commission and that disclosure is not made-

> (a) with the consent of the person from whom the information was obtained;

- (b) in connection with the administration or execution of this Act or any such other Act;
- (c) for the purposes of any legal proceedings arising out of this Act or any such other Act or of any report of any such proceedings; or

(d) with other lawful excuse,

that member or other person is guilty of an offence against this Act and, on conviction by a court of summary jurisdiction, liable to a penalty not exceeding \$1,000 or to 20 imprisonment for a term not exceeding six months.

16. (1) In this section—

"Hospitals Commission" means The Hospitals Commis- Dissolution sion of New South Wales constituted under the of Hospitals Commission Public Hospitals Act, 1929; and Board

of Health

- "Board" means the Board of Health constituted under and abolition the Public Health Act, 1902; of Depart-
- "Department" means the Department known as the ment of Department of Health or the Department of Public Health. Health.

(2) On the appointed day, the Hospitals Commis-30 sion and the Board are hereby dissolved and the Department is hereby abolished.

- (3) On and from the appointed day-
- (a) all real and personal property and all right and

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interest therein and all management and control thereof that, immediately before that day, was vested

vested in or belonged to the Hospitals Commission or the Board shall vest in and belong to the Commission;

- (b) all moneys, liquidated and unliquidated claims that, immediately before that day, were payable to or recoverable by the Hospitals Commission or the Board shall be moneys, liquidated and unliquidated claims payable to or recoverable by the Commission;
- (c) all actions and proceedings pending immediately before that day at the suit of the Hospitals Commission or the Board shall be respectively actions and proceedings pending at the suit of the Commission and all actions and proceedings so pending at the suit of any person against the Hospitals Commission or the Board shall be respectively actions and proceedings pending at the suit of that person against the Commission;
 - (d) all contracts, agreements, arrangements and undertakings entered into with and all securities lawfully given to or by the Hospitals Commission or the Board and in force immediately before that day shall be deemed to be contracts, agreements, arrangements and undertakings entered into with and securities given to or by the Commission;
 - (e) the Commission may, in addition to pursuing any other remedies or exercising any other powers that may be available to it, pursue the same remedies for the recovery of moneys and claims referred to in this subsection and for the prosecution of actions and proceedings so referred to as the Hospitals Commission or the Board might have done but for the enactment of this Act;
 - (f) the Commission may enforce and realise any security or charge existing immediately before that day in favour of the Hospitals Commission or the Board and may exercise any powers thereby conferred on

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the Hospitals Commission or the Board as if the security or charge were a security or charge in favour of the Commission;

- (g) all debts, moneys and claims, liquidated and unliquidated, that, immediately before that day, were due or payable by, or recoverable against, the Hospitals Commission or the Board shall be debts due, moneys payable by and claims recoverable against, the Commission; and
- (h) all liquidated and unliquidated claims for which the Hospitals Commission or the Board would, but for the enactment of this Act, have been liable shall be liquidated and unliquidated claims for which the Commission shall be liable.
- 15 (4) On and from the appointed day, a reference in any other Act or in any regulation, by-law or other statutory instrument or in any other document, whether of the same or of a different kind—
 - (a) to the Hospitals Commission or the Board or the Department shall be read and construed as a reference to the Commission;
 - (b) to any officer of the Hospitals Commission, the Board or the Department shall be read and construed as a reference—
 - (i) if there is an office in the staff establishment of the Commission that corresponds to the office held by that officer—to the person holding that office in the establishment of the Commission; or
 - (ii) if there is no such corresponding office, to such office in the staff establishment of the Commission as may be prescribed.

(5) Any act, matter or thing done or omitted to be done before the appointed day by, to or in respect of the 35 Hospitals Commission, the Board, the Department or an officer of the Department shall, to the extent that but for the

enactment

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enactment of this Act that act, matter or thing would on or after that day have had any force or effect or been in operation, be deemed to have been done or omitted to be done by, to or in respect of the Commission or an officer of the Commission, whichever of them is, on or after that day, appropriate in relation to the doing or omission to do that act, matter or thing.

(6) No attornment to the Commission by a lessee from the Hospitals Commission or the Board shall be 10 required.

The sums authorised by the Appropriation Act, 1972, Unexpended 17. to be appropriated out of the Consolidated Revenue Fund funds and to be issued and applied for or towards the sub-headings for Minister of expenditure under the heading "Minister for Health" and of Health to be

- 15 that would but for this Act have been available for expendi- available for ture in connection with the functions of the Department of Commission. Health or the Hospitals Commission of New South Wales shall be deemed, to the extent that, at the appointed day, they have not been so issued or applied, to be sums authorised
- 20 by that Act to be appropriated out of that Fund and to be issued and applied for or towards the corresponding subheadings of expenditure in connection with the functions of the Commission.

(1) For the purpose of promoting, protecting, powers. 18. 25 developing, maintaining and improving the health and well- authorities, duties and being of the people of New South Wales to the maximum functions of extent possible having regard to the needs of and resources Commission. available to the State, the Commission shall have and may exercise and perform the following powers, authorities, duties 30 and functions :---

> (a) to initiate, promote, commission and undertake surveys and investigations into the health needs of the people of New South Wales, the resources of the State available to meet those needs and the methods by which those needs should be met;

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(b)

- (b) to inquire into and determine the nature, extent and standards of the health services, facilities and personnel required to meet the health needs of the people of New South Wales and to determine the cost of meeting those needs;
- (c) to plan and ensure the provision of comprehensive, balanced and co-ordinated health services throughout New South Wales:
- (d) to recommend to the Minister the programmes and methods by which the health needs of the people of New South Wales may be met:
- (e) to advise, report to and make recommendations to the Minister in respect of any matter relating to the health of the people of New South Wales:

(f) to provide, conduct, operate and maintain and where necessary to improve and extend any health service or any ancillary or incidental service and to construct any buildings or works necessary for or in connection with any such service;

- (g) to enter into any agreement or arrangement for any other person to provide, conduct, operate and maintain any health service;
- (h) to undertake, promote and encourage research in relation to any health service;
- (i) to promote and facilitate the provision of health services by any council (within the meaning of the Local Government Act, 1919) or by any other body or person;
 - (j) to promote and facilitate the provision by any Government Department, statutory authority, other body or person of social welfare services necessary or desirable to complement any health service;

(k)

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- (k) to provide and to arrange for the provision of the professional, technical or other education or training of any persons employed or to be employed in the provision of any health service;
- (1) to encourage the making of donations for the provision of health services; and
- (m) to do such supplemental, incidental or consequential acts as may be necessary or expedient for the exercise and performance of its powers, authorities, duties and functions under the foregoing provisions of this subsection.

(2) Nothing in subsection (1) takes away or affects the responsibilities, powers, authorities, duties or functions conferred or imposed by or under any other Act or any 15 regulation, ordinance or by-law made under any other Act and relating to the provision by any person of health services, social welfare services or other services.

19. (1) The Commission may, for the purpose of exer- Acquisition cising or performing its powers, authorities, duties or func- of land.
20 tions under this or any other Act, acquire land by purchase, lease or exchange or, in accordance with the provisions of this section, by way of resumption or appropriation.

(2) Without limiting the generality of subsection
(1), the Commission may acquire in any manner authorised
25 by subsection (1)—

- (a) any land of which that proposed to be acquired under this section forms part; and
- (b) any land adjoining or in the vicinity of any land proposed to be acquired under this section.

(3)

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(3) For the purpose of the acquisition, under subsection (1), by the Commission of land by resumption or appropriation, the Governor may, under the Public Works Act, 1912, resume any land or appropriate any land vested in Her Majesty or in any person in trust for Her Majesty.

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(4) A resumption or appropriation effected in accordance with subsection (3) shall be deemed to be for an authorised work within the meaning of the Public Works Act, 1912, and the Commission shall, in relation to that 10 authorised work, be deemed to be the Constructing Authority within the meaning of that Act.

(5) Sections 34, 35, 36 and 37 of the Public Works Act, 1912, do not apply to expenditure on any works constructed for the purposes of this Act, but section 38 of that 15 Act applies to any such expenditure.

20. The Commission may, with the approval of the Min-Disposal ister and subject to such terms and conditions as the Minister of land. may attach to his approval, sell, lease, exchange or otherwise deal with or dispose of land that has been acquired by the

20 Commission under this Act, or any part thereof, and may with the like approval and subject to the like terms and conditions, grant easements or rights-of-way over any such land or any part thereof.

21. (1) The Commission may make and enter into con-Contracts.
25 tracts or agreements with any person for the performance of services, or for the supply of goods, plant, machinery or material with respect to the exercise or performance by the Commission of its powers, authorities, duties and functions under this or any other Act.

30 (2) Any such contract or agreement shall be deemed, for the purposes of the Constitution Act, 1902, to be a contract or agreement for or on account of the Public Service of New South Wales.

(3) The Commission may, on such terms and conditions as may be agreed upon, sell or let out on hire any goods, plant, machinery or material acquired by it under this or any other Act.

- 5 22. (1) The Commission may by instrument in writing Delegation. delegate to the holder of any prescribed office the exercise or performance of such of the powers (other than this power of delegation), authorities, duties or functions conferred or imposed on the Commission by or under this or any other
- 10 Act as may be specified in the instrument of delegation and may in like manner revoke wholly or in part any such delegation.

(2) A power, authority, duty or function, the exercise or performance of which has been delegated under this15 section may, while the delegation remains unrevoked, be exercised or performed from time to time in accordance with the terms of the delegation.

(3) A delegation under this section—

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(a) may be made subject to such conditions or such limitations as to the exercise or performance of any of the powers, authorities, duties or functions delegated, or as to time or circumstances, as may be specified in the instrument of delegation; and

(b) if made before the appointed day may be made with respect to powers, authorities, duties or functions that the Commission is or will, after that day, be empowered or required, by or under this or any other Act, to exercise or perform, but, in so far as it is made with respect to powers, authorities, duties or functions that the Commission will be empowered or required to exercise or perform after that day, shall not have any force or effect until that day.

(4) Notwithstanding any delegation made under this section, the Commission may continue to exercise or perform all or any of the powers, authorities, duties or functions delegated.

- 5 (5) Any act or thing done or suffered by a delegate while acting in the exercise of a delegation under this section shall have the same force or effect as if the act or thing done had been done or suffered by the Commission and shall be deemed to have been done or suffered by the Commission.
- 10 (6) This section does not authorise the delegation of the power of the Commission to conduct a hearing referred to in section 11B of the Public Hospitals Act, 1929.

23. (1) For the purpose of advising the Commission in Appointment of Health relation to the exercise or performance by the Commission Advisory
15 of its powers, authorities, duties and functions under this or Council and other advisory other Act, the Minister—

- (a) shall appoint a Health Advisory Council and a Professional Services Advisory Council; and
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- (b) may appoint such other councils, committees and other advisory bodies as he may consider appropriate.

(2) A body appointed under subsection (1) shall carry out investigations and enquire into such matters as the Commission directs and shall advise the Commission on such 25 matters as the Commission directs.

(3) A body appointed under subsection (1) shall consist of a person, appointed as chairman by the Minister, and such other persons appointed by the Minister after consultation with the Commission and with such persons, authorities, 30 organisations and associations as he may consider appropriate.

(4) The chairman and other members of a body appointed under subsection (1) shall be appointed for such term not exceeding three years as the Minister may determine and may be dismissed by the Minister at any time.

(5) A person appointed to a body under this section shall, if he is not a member of the Public Service, be paid such fees and allowances as may be determined by the Minister.

24. The Commission shall cause to be kept, in accord-Accounts to be kept by ance with the directions, if any, given to it by the Treasurer, be kept by Commission.
10 proper books of account relating to the assets and liabilities of the Commission and to the moneys received or expended by the Commission for the purpose of the exercise and performance of its powers, authorities, duties and functions under this or any other Act.

15 25. (1) The accounts of the Commission shall be Audit. audited and reported upon by the Auditor-General who shall have, in respect thereof, all the powers conferred on him by any law for the time being in force relating to the audit of public accounts, and the Audit Act, 1902, shall apply to 20 members of the Commission and to officers and employees ampleued in the administration of this Act and any other Act

employed in the administration of this Act and any other Act under which powers, authorities, duties or functions are conferred or imposed on the Commission in the same manner as it applies to accounting officers of public departments.

- 25 (2) The Auditor-General shall report to the Commission and the Minister—
 - (a) whether or not in his opinion—
 - (i) due diligence and care have been shown in the collection and banking of moneys payable to the Commission;
 - (ii) expenditure incurred has been duly authorised, vouched and supervised; and (iii)

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- (iii) any of the moneys or other property of the Commission or over which it has control have been misappropriated or improperly or irregularly dealt with: and
- (b) as to any other matters which in his judgment call for special notice or which are prescribed.

26. In any legal proceedings by or against the Commis- Proof of sion no proof shall be required (until evidence is given to the certain matters not contrary) ofrequired.

(a) the constitution of the Commission;

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- (b) any resolution of the Commission:
- (c) the appointment of any member or any officer or employee of the Commission; or
- (d) the presence of a quorum at any meeting of the Commission.

27. Any notice, summons, writ or other proceeding Manner of required to be served on the Commission may be served by serving certain being left at an office of the Commission, or, in the case documents of a notice, by posting it addressed to the Commission at one on Commission. 20 of its offices.

28. Every summons, process, demand, order, notice, Authenticastatement, direction or document requiring authentication by tion of the Commission may be sufficiently authenticated without the documents seal of the Commission if signed by the Secretary or by any of Commission.

to

25 other officer or employee authorised to do so by the Commission.

29. (1) A writ or other process in respect of any damage Notice of or injury to a person or to property shall not be sued out action. or served upon the Commission or any member, officer or 30 employee of the Commission or any person acting in its or his aid for anything done or intended to be done or omitted

to be done under this or any other Act, until the expiration of one month after notice in writing has been served on the Commission, member, officer, employee or person as provided in this section.

- (2) The notice shall state—
- (a) the cause of action;
- (b) the time and place at which the damage or injury was sustained; and
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(c) the name and place of abode or business of the intended plaintiff and of his attorney, if any, in the case.

(3) In the case of damage to property, any person who produces on demand his authority from the Commission shall be permitted to inspect the property damaged, and all 15 facilities and information necessary to ascertain fully the value of the property damaged and the amount of money, if any, expended in repairing the damage shall be given to him.

(4) At the trial of any such action the plaintiff shall not be permitted to go into evidence of any cause of action
20 that is not stated in the notice, and unless the notice has been served the plaintiff shall not be entitled to maintain the action, but at any stage of the proceedings the court in which the action is pending may, if the court deems it to be just or reasonable in the circumstances so to do—

- (a) amend any defect in the notice on such terms and conditions, if any, as the court may fix; or
 - (b) direct that any non-compliance or insufficient compliance with this section shall not be a bar to the maintenance of the action.

30 (5) Every such action shall be commenced within the period (in this section referred to as the "prescribed period") of twelve months next after the cause of action arises but, where an application is made to the Supreme Court in

accordance

accordance with rules of court for an extension of the prescribed period, that court may, if it is satisfied that sufficient cause has been shown or that, having regard to all the circumstances of the case, it would be reasonable so to do, make an 5 order for extension of the prescribed period for such further period and subject to such terms and conditions, if any, as may be set out in the order.

(6) Any such application for extension may be made either within the prescribed period or at any time within 10 twelve months thereafter.

(7) Any person who is dissatisfied with the decision of the court on any such application may, in accordance with the rules of court, appeal to the Court of Appeal and that court may on the appeal make any order which it considers 15 ought to have been made in the first instance.

(8) The Commission or any member, officer, employee or person to whom any such notice of action is given. may tender amends to the plaintiff, his attorney or agent at any time within one month after service of notice of action. 20 and if the tender is not accepted may plead the tender as a

defence to the action.

30. Any charge, fee or money due to the Commission, or Recovery to the Crown, in respect of any of the activities of the Com- of charges mission under the provisions of this or any other Act or any &c. by Com-25 regulation or by-law may be recovered by the Commission as a debt in a court of competent jurisdiction.

31. (1) As soon as practicable after the thirtieth day of Annual June in each year the Commission shall prepare and submit report. to the Minister a report of its work and activities for the 30 twelve months preceding that date.

(2) The Minister shall lay that report or cause it to be laid before both Houses of Parliament as soon as practicable after the receipt by him of the report.

(3) A report under subsection (1) may include any 35 report required to be made annually by the Commission under any other Act.

(4) In so far as a report under subsection (1) includes any matter that relates to a period in respect of which a report is required to be made annually by the Commission under any other Act, the provision of that other Act which requires the report to be made in respect of that period has no operation.

32. The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter which by this Act is required or permitted to be prescribed or which

10 is necessary or convenient to be prescribed for the carrying out or giving effect to this Act.

33. (1) Each Act specified in Column 1 of the Schedule Amendment is amended in the manner set forth opposite that Act in of certain Acts. Column 2 of the Schedule.

15

5

(2) The amendments to—

(a) the Noxious Trades (Amendment) Act, 1957, effected by this section and the Schedule shall commence on the day on which that Act commences;

- (b) the Public Health (Amendment) Act, 1944, so effected shall—
 - (i) in so far as they amend section 6 (1) (b), commence on the day on which section 6 (1) (b) commences; and
 - (ii) in so far as they amend section 7 (1), commence on the day on which section 7 (1) commences; and
 - (c) the Therapeutic Goods and Cosmetics Act, 1972, so effected shall, if that Act has not commenced on the appointed day, commence on the day on which that Act commences.

(3) The Broken Hill Abattoirs, Markets, and Cattle Sale-yards Act does not, by reason of its being amended by subsection (1) and the Schedule, become a Public Act.

34.

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Act No. , 1972.

Health Commission.

34. (1) The continuity of any body constituted by or Savings. under any Act is not prejudiced or affected by the operation of section 16 (4) (b) or of section 33 and the Schedule and, where a member or an officer or employee of the Commission
5 takes office as a member of any such body by reason of the operation of section 16 (4) (b) or of section 33 and the Schedule, he shall, subject to the provisions of the Act or the instrument (being an instrument made under an Act) under which the body is constituted, hold office in the place of his
10 predecessor in that office and, if the appointment of his predecessor in that office was for a specified term, for the balance of that term unexpired on the appointed day.

(2) A member of The Hospitals Commission of New South Wales, who is a member of the Commission at
15 any time during the period commencing on the day appointed and notified under section 2 (b) and ending on the appointed day, shall not be deemed to have vacated his office as a member of The Hospitals Commission of New South Wales by reason only of his engaging, during that period, in paid
20 employment as a member of the Commission.

(3) The provisions of the Public Hospitals Act, 1929, or of the Public Service Act, 1902, do not prevent a member of The Hospitals Commission of New South Wales or an officer under the Public Service Act, 1902, who at any 25 time during the period commencing on the day appointed

and notified under section 2 (b) and ending on the appointed day, is a member of the Commission, from carrying out, during that period, the duties of his office as a member of the Commission.

30 35. A person who, immediately before the appointed day, Members of was a member of The Hospitals Commission of New South Hospitals Commission Wales and who ceases to be such a member by reason of the ceasing to operation of any of the provisions of this Act is not entitled hold office to be paid any remuneration or compensation by reason of at the compensation.

SCHEDULE.

SCHEDULE.

Sec. 33.

AMENDMENTS OF ACTS.

PART 1.

| | Colu | ımn 1. | Column 2. |
|-----------|-------------------------------|---|--|
| 5 | Year and number of Act. | Short title of Act. | Amendment. |
| - 10 P | rivate | Broken Hill | Section 13— |
| 15 | | Abattoirs, Markets, and Cattle Sale- yards Act | (a) Omit "Board of Health", insert instead "Health Commission of New South Wales"; (b) Omit "that Board", insert instead "that Commission". |
| 1 | 961, No. 69 | | Section 5 (1)— |
| | | 1961 | (a) From the definition of "Authorised |
| 20 | | the shirt com | officer" omit "Under Secretary" wherever occurring, insert instead |
| | | en and the second | "Commission"; (b) Insert next after the definition of |
| 0.5 | | | "Chimney" the following new defini- tion: |
| 25 | | | "Commission" means the Health Commission of New South |
| | | | Wales constituted under the Health Commission Act, 1972. |
| 30 | | | (c) Omit the definitions of "Department" and "Under Secretary". |
| | | | Section 6 (2) (a)— |
| 35 | | | Omit the paragraph, insert instead the following paragraph:— (a) a member of the Commission from time to time nominated by the Commission or an officer of the Commission from time to time so nominated; and. |
| 40 | | | Sections 6 (2) (b) (i); 11 (2); 22; 29- |
| | | | Omit "Department" wherever occurring, insert instead "Commission". |
| | 19 (3) | | Sections 8 (2); 11; 12; 13 (3); 16; 17; |
| | | ¢. | 20 (3); 23; 26 (1) (a); 32 (1) (c)— |
| 45 | | | Omit "Under Secretary" wherever occur- ring, insert instead "Commission". |

| | SCHEDULE—continued. | | |
|----|-------------------------------|---------------------------------------|---|
| | Colu | ımn 1. | Column 2. |
| 5 | Year and number of Act. | Short title of Act. | Amendment. |
| 10 | 1961, No. 69 —continued | Clean Air Act, 1961—con- tinued | Omit "his" wherever occurring, insert "its". |
| | | | Section 23— (a) Omit "him or"; (b) Omit "he or". |
| 15 | | ibuy - | Section 30— (a) Omit "the Under Secretary or any prescribed officer", insert instead "a member of the Commission or by an officer of the Commission authorised |
| 20 | | | generally or specially by the Commission to do so";(b) After "character" insert "or authority". |
| | 1970, No. 78 | Clean Waters Act, 1970 | Sections 3; 8 (2); 11; 12; 14 (3); 16 (4); 19; 20; 22; 23; 25; 27 (1); |
| 25 | | | 28; 31; 32 (3) (j); 36 (1)— Omit "Under Secretary" wherever occurring, insert instead "Commission". |
| | | | Section 5— |
| 30 | | | (a) From the definition of "authorised officer" omit "Under Secretary", insert instead "Commission"; (b) From the definition of "classified waters" omit "Under Secretary", insert |
| 35 | | | instead "Commission"; (c) Insert next after the definition of "classified waters" the following new definition:— "Commission" means the Health Commission of New South |
| 40 | | | Wales constituted under the Health Commission Act, 1972; (d) Omit the definitions of "Department" and "Under Secretary". |

SCHEDULE

SCHEDULE—continued.

| | Colu | umn 1. | Column 2. |
|---|-------------------------------|--|---|
| 5 | Year and number of Act. | Short title of Act. | Amendment. |
| 0 | 1970, No. 78 —continued | Clean Waters Act, 1970 — continued | Section 6 (2) (a)— Omit the paragraph, insert instead the following paragraph:— (a) a member of the Commission from time to time nominated by |
| 5 | | al de la seta Second de la seta | the Commission or an officer of the Commission from time to time so nominated; and. |
| | | in an in the | Section 12— |
| | | all all a start and a start a s Start a start a | Omit "he", insert instead "it". |
| | | | Section 13 (2)- |
| 0 | | | Omit "Under Secretary who", insert instead "Commission which". |
| | | | Section 14 (3)— |
| | | | Omit "he", insert instead "it". |
| | | | Section 20— |
| 5 | | | (a) Omit from subsection (4) (a) "he", insert instead "it"; (b) Omit from subsection (5) "his", insert instead "its"; |
| 0 | | | (c) Omit from subsection (6) "his" where firstly occurring, insert instead "its"; (d) Omit from subsection (7) "Under Secretary's", insert instead "Commission's". |
| | | | Section 25 (5) |
| ~ | | | Section 25 (5)— (a) Omit "he", insert instead "it": |
| 5 | 1 | | (a) Omit "he", insert instead "it";(b) Omit "his", insert instead "its". |
| | | ally and a set | Section 28 (1)— |
| | | Malan a Malan | (a) Omit "him", insert instead "it";(b) Omit "he", insert instead "it". |

SCHEDULE

SCHEDULE—continued.

| | Column 1. | | Column 2. | |
|----|-------------------------------|--|---|--|
| 5 | Year and number of Act. | Short title of Act. | Amendment. | |
| 10 | 1970, No. 78 —continued | Clean Waters Act, 1970— continued | Section 32— (a) Omit from subsection (1) "the Under Secretary", insert instead "a member of the Commission, an officer of the | |
| 15 | • | n an | Commission authorised generally or specially by the Commission to do so"; (b) Omit from subsection (2) "the Under Secretary or"; | |
| 20 | | | (c) Omit from subsection (3) "the Under Secretary" where firstly occurring, insert instead "a member of the Com- mission or by an officer of the Com- mission authorised generally or specially by the Commission to do so"; | |
| 25 | k. | ani na 17 al | (d) Omit from subsection (4) (a) "the Under Secretary", insert instead "a member of the Commission or by an officer of the Commission authorised by the Commission to certify the document". | |
| 30 | | 2 (A) (B) (A) | Section 33 (2)— Omit "officer of the Department", insert instead "member or officer of the Commission". | |
| 35 | 1919, No. 6 | Conveyancing Act, 1919 | Section 85 (1) (c)— | |
| | AC, 1919 | Ad, 1919 | Omit "Board of Health", insert instead "Health Commission of New South Wales". | |
| 10 | 1915, No. 45 | Dairy Industry Act, 1915 | Omit "vested in the Board of Health at the | |
| 15 | | | date of the passing of this Act", insert instead "which were vested in the Board of Health at the date of the passing of this Act and are exercisable by the Health Commission of New South Wales". | |

SCHEDULE

SCHEDULE-continued. Column 1. Column 2. Year and Short title number 5 Amendment. of Act. of Act. 1915, No. 45 Dairy Industry Section 24--continued Act, 1915-Omit "Board of Health", insert instead "Health Commission of New South continued 10 Wales". Dairy Industry Authority Act, 1970 Section 36 (2)— Omit "Directo 1970, No. 29.. Omit "Director-General of Public Health" 15 insert instead "Health Commission of New South Wales". Section 89 (3)-Omit "Board of Health", insert instead "Health Commission of New South 20 Wales". 1934, No. 10. . Dentists Act, Section 3 (1)-1934 Insert next before the definition of " 'Dental Board' or 'Board'" the following new 25 definition: "Commission" means the Health Commission of New South Wales constituted under the Health Commission Act, 1972. 30 Section 4-(a) Omit from subsection (1) "the Under Secretary, Department of Health, or a person from time to time nominated by him", insert instead "a member of the Commission from time to time nominated by the Commission or an 35 nominated by the Commission or an officer of the Commission from time to time so nominated"; (b) In subsection (5) after "public servant" insert "or a member of the Com-mission". 40

67—C

SCHEDULE

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SCHEDULE—continued.

| | Colur | nn 1. | Column 2. |
|----|-------------------------------|--------------------------------------|---|
| 5 | Year and number of Act. | Short title of Act. | Amendment. |
| 10 | 1934, No. 10 —continued | Dentists Act, 1934—con- tinued | Section 10 (1) (e)— In subparagraph (i) after "dentist" insert "employed by the Commission or of a dentist"; In subparagraph (ii) after "State or" insert "in the service of the Commission or". |
| 15 | | | Section 10A (2)— |
| | | | In paragraph (a) after "dentist" insert "employed by the Commission or of a dentist"; In paragraph (b) after "State or" insert |
| 20 | All Same | | "in the service of the Commission or". |
| | | Dear Sol Eduar | Section 10D (4)— Omit "Director of State Psychiatric Ser- vices", insert instead "Commission". |
| | | | Section 12 (3) (b1) |
| 25 | | atale a solo | (a) Omit "and attached to the Division of Dental Services of the Department of Health", insert instead "who are officers or employees of the Com- mission"; |
| 30 | | | (b) Omit "such Division", insert instead "the Commission". |
| | | | Section 12A— |
| 35 | | | (a) Omit subsection (2) (b) (i), insert instead the following subparagraph:— (i) two persons each of whom is either a member of the Commission from time to time nominated by the Commission or an officer of the Commission |
| 40 | | | from time to time so nominated; (b) In subsection (2) (c) after "Public Service" insert "or a member of the Commission". |

SCHEDULE

SCHEDULE—continued.

| | Colu | ımn 1. | Column 2. |
|----------|-------------------------------|--|--|
| 5 | Year and number of Act. | Short title of Act. | Amendment. |
| 10 15 | 1957, No. 58 | Fluoridation of Public Water Supplies Act, 1957 | |
| | | | Section 4— |
| 20 25 | | | (a) Omit subsection (2) (a), insert instead the following paragraph:— (a) a member of the Commission from time to time nominated by the Commission or an officer of the Commission from time to time so nominated; and; (b) In subsection (9) after "Public Service" insert "or a member of the Commission". |
| 30 | | | Sections 5; 6; 7; 11 (1) (paragraph (b) excepted)— Omit "Board" wherever occurring, insert instead "Commission". |
| | 1. 20 | | |
| | | | Section 6 (2)— Omit "Board's" wherever occurring, insert instead "Commission's". |
| 35 | 1920, No. 48 | Food Preser- vation by | |
| 40 | | Sulphur Di- oxide Enab- ling Act, 1920 | (a) Omit the definition of "Board", insert instead the following defini- tion:— "Commission" means the Health Commission of New South Wales constituted by the Health Commission Act, 1972. |

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Health Commission.

SCHEDULE—continued.

| | Colu | ımn 1. | Column 2. | |
|----------|-------------------------------|--|---|--|
| 5 | Year and number of Act. | Short title of Act. | Amendment. | |
| 10 | -continued | Food Preserva- tion by Sul- phur Dioxide Enabling Act, 1920—con- tinued | (b) From the definition of "Local | |
| 15 | | | Sections 4; 6— Omit "board" wherever occurring, insert instead "Commission". | |
| 20 | 1934, No. 57 | Government Guarantees Act, 1934 | Section 3 (1)— (a) Omit "Hospitals Commission", insert instead "Health Commission"; (b) After "incorporated hospital" insert ", associated organisation". | |
| 25 | | | Section 4 (e)— After "incorporated hospital" insert ", associated organisation". | |
| 30 | 1940, No. 2 | Industrial Arbi- tration Act, 1940 | Section 15 (8)— Omit "Hospitals Commission", insert instead "Health Commission". Section 88A— Omit:— | |
| 35 40 | | | Wales, The Hunter District Water Board, and The Hospitals Commission of New South Wales. Insert instead:— Wales, and The Hunter District Water Board. | |

Health Commission.

SCHEDULE—continued. Column 1. Column 2. Year and number of Act. Short title 5 Amendment. of Act. 1912, No. 24. Inebriates Act, Section 9 (2)-1912 Omit "Inspector-General of the Insane, and during his absence from the State or his inability to act from illness or other cause, of the deputy Inspector-General", insert instead "Health Commission of New South Wales". 10 15 Section 24-(a) Omit "the Inspector-General of the Insane, or such person as he may depute,", insert instead "a member of the Health Commission of New South Wales or an officer of that Commission authorised by that Commission in that behalf"; 20 (b) Omit "or his deputy". 25 Section 29 (1)-Omit "the Chief Government Medical Officer, the Inspector-General of the Insane, and the Comptroller-General of Prisons", insert instead "two persons, each of whom is either a member of the Commission from time to time nominated by the Commission 30 to time nominated by the Commission or an officer of the Commission from time to time so nominated, and the Commissioner of Corrective Services". 35

SCHEDULE

SCHEDULE—continued.

| Colu Year and number of Act. 937, No. 8 | mn 1. Short title of Act. King George V and Queen Mary Mater- nal and Infant Welfare Foundation Act, 1937 | Omit the definition of "Ex-officio member". Section 4— |
|---|--|---|
| number of Act. | of Act. King George V and Queen Mary Mater- nal and Infant Welfare Foundation | Section 2— Omit the definition of "Ex-officio member". Section 4— |
| 937, No. 8 | and Queen Mary Mater- nal and Infant Welfare Foundation | Omit the definition of "Ex-officio member". Section 4— |
| | | Omit the section, insert instead the following section: |
| | | of the sist of seven members appointed Founda- tion. by the Governor by notification published in the Gazette, of (a) two members (one of whom shall be appointed by the Governor as Chairman of the Foun- dation) shall be appointed |
| | | on the nomination of the Health Commission of New South Wales; (b) two members shall be appointed on the nomina- tion of the University of Sydney; and (c) three members (of whom two shall be women) |
| | | shall be appointed on the nomination of the Minister. |
| | | Section 7— (a) from paragraph (e) omit "Governor; or", insert instead "Governor."; (b) omit paragraph (f). |
| 919, No. 41 | Local Govern- ment Act, 1919 | |
| | 919, No. 41 | ment Act, |

SCHEDULE—continued.

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| | Colu | ımn 1. | Column 2. |
|----|--|---|--|
| 5 | Year and number of Act. | Short title of Act. | Amendment. |
| 10 | 1919, No. 41 —continued | Local Govern- ment Act, 1919—con- tinued | Section 4—continued (b) In the definition of "'Statutory body,' or 'statutory body representing the Crown,'" after "Metropolitan Meat Industry Board," insert "Health Commission of New South Wales,". |
| 15 | | antineti de men | Sections 94 (1); 299A (2); 640— Omit "Board of Health" wherever occurring, insert instead "Health Commission". |
| 20 | hized baned ho pa seb strand | one of elder to be a set in the constant least of the to state of state processing works to state | Section 94 (1)— Omit "board", insert instead "Com- mission". |
| 25 | "brud | al in patient - production - patient better better | Section 132 (1)— Insert after paragraph (d) the following new paragraph:— (d1) land which is vested in the Crown or the Health Commis- sion and is used or occupied by the Health Commission for the purposes thereof; and. |
| 30 | dana sali sali | wor 16 m Botenia Botenia Botenia | Section 299— Omit "Hospitals Commission of New South |
| 35 | nserg v 10 vietud | i di n Hoome Inggalin "i fi mol natio "i fi mol natio n natio (j fil | Wales constituted under the Public Hospitals Act, 1929, to the extent prescribed in the regulations made under that Act", insert instead "Health Commission, to the extent prescribed in the regulations made under the Public Hospitals Act, 1929". |
| 40 | n bis te by to ci to co to co to to to to to to to to to to to to to | mmo apprayon rai allocut os te de tratago d'arte las matoriales allo natoriales allo | Section 591 (c)— Omit "Board of Health, appointed by that board", insert instead "Health Com- mission appointed by that Com- mission". |

Health Commission.

Q.C.

SCHEDULE—continued.

| | Cole | ımn 1. | Column 2. |
|----|-------------------------------|--|---|
| 5 | Year and number of Act. | Short title of Act. | Amendment. |
| 10 | 1919, No. 41 —continued | Local Govern- ment Act, 1919—con- tinued | Section 654 (5) (h)— Omit the paragraph, insert instead the following paragraph:— (h) the Health Commission. |
| 15 | 1915, No. 69 | Meat Industry Act, 1915 | Section 4 (4)— Omit "vested in the Board of Health at the date of the passing of this Act", insert instead "which were vested in the Board |
| 20 | | | of Health at the date of the passing of this Act and are exercisable by the Health Commission of New South Wales". |
| | 1938, No. 37 | Medical Practi- tioners Act, | Section 3 (1)— |
| 25 | | 1938 | Insert next after the definition of "Board" the following new definition:— "Commission" means the Health Commission of New South Wales constituted under the Health Commission Act, 1972. |
| 30 | | | Section 5— |
| 35 | | tonica and tonica and tonica toni tonica | (a) After "which" in subsection (1) insert "(except the member referred to in paragraph (a) of subsection (3))"; (b) Omit subsection (3) (a), insert instead the following paragraph:— |
| 55 | | | (a) a member of the Commission from time to time nominated by the Commission or an officer of |
| 40 | | el bancenta del nilizziti mane | the Commission from time to time so nominated: |
| | | | (c) In subsection (8) after "public servant" insert "or a member of the Commis- sion". |

SCHEDULE—continued.

| | Coh | ımn 1. | Column 2. |
|----------|-------------------------------|--|---|
| 5 | Year and number of Act. | Short title of Act. | Amendment. |
| 10 15 | 1 | Medical Prac- titioners Act, 1938—con- tinued | Section 27A (1) (b)— Omit the paragraph, insert instead the following paragraph:— (b) a member of the Commission, who is a medical practitioner, from time to time nominated by the Commission, or an officer of the Commission, who is a medical practitioner, from time to time so nominated; and. |
| 20 | | | Section 30 (2)— Omit the subsection, insert instead the following subsection:— (2) Where a registered person becomes a patient, or a voluntary |
| 25 30 | | | becomes a patient, or a voluntary patient, within the meaning of the Mental Health Act, 1958, the pre- scribed person shall, in the prescribed manner and within the prescribed time, cause a notice of that fact to be forwarded to the secretary to the board. |
| | | | Section 34 (2)- |
| 35 | | | Omit the subsection, insert instead the following subsection: (2) The committee shall consist of three members, of whom (a) two shall be persons from time to time nominated by the Commission; and |
| 40 | | | (b) one shall be a member of the board from time to time nom- inated by the board. |
| | | | Sections 43 (2); 45 (1)— |
| | _ | | Omit "Board of Health" wherever occur- ring, insert instead "Commission". |

A.F

Health Commission.

SCHEDULE—continued.

| | Colu | mn 1. | Column 2. |
|---|-------------------------------|----------------------------|--|
| | Year and number of Act. | Short title of Act. | Amendment. |
| | 1958, No. 45 | Mental Health Act, 1958 | Section 4— |
|) | 643 | Act, 1938 | (a) Insert next after the definition of "Authorised hospital" the following |
| | | | new definitions:— "Authorised officer", in relation to |
| | | | any power, authority, duty or |
| 5 | 10.4 | | function conferred or imposed |
| | h i | | upon authorised officers by this Act, means a person appointed |
| | 200 | | under section 7 to be an |
| | Sheller Sheller a | | authorised officer and who is |
|) | | | entitled to exercise or perform that power, authority, duty or |
| | | | function. |
| | | | "Commission" means the Health |
| | | 1.1 mil 1 | Commission of New South Wales constituted under the |
| | 1100 March 1918 | | Health Commission Act, 1972. |
| | in State | To maincard a | (b) Omit the definition of "Director"; (c) Omit the definition of "Superintend- |
| | 31 | (1.54) - 8281 | ent", insert instead the following |
|) | | in the preserv | definition:— |
| | | e di that fact to | "Superintendent", in relation to an admission centre, a mental |
| | | in vinise st | hospital or an authorised |
| - | | | hospital, means the person |
| 5 | | | having charge of that admission centre, mental hospital or |
| | | | authorised hospital. |
| | | huntens siden: | form the subsection. |
| | | reiento línde po | Section 7— |
| 0 | | Dersons Proves | (a) Omit subsections (1) and (2), insert |
| | | aminined by | (1) The Commission may appoint |
| | | in references | one or more members or officers of the Commission to be authorised |
| ; | | time to time of | officers who, subject to subsection (2) |
| , | | 191210 | shall have and may exercise and |
| | | | perform the powers, authorities, duties |
| | | a the Course | and functions conferred or imposed upon authorised officers by this Act. |
| 0 | | an included the | (2) An instrument appointing an |
| - | | "humaning of the | authorised officer may specify the |
| | | Section and section and | powers, authorities, duties and func- tions that may be exercised on |

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SCHEDULE—continued.

| | Colu | ımn 1. | Column 2. |
|----|-------------------------------|--|--|
| 5 | Year and number of Act. | Short title of Act. | Amendment. |
| 10 | 1958, No. 45— continued | Mental Health Act, 1958— continued | Section 7— <i>continued</i> performed by that authorised officer |
| 10 | | | and that authorised officer shall not be entitled to exercise or perform any powers, authorities, duties or functions |
| 15 | | | conferred or imposed by this Act on authorised officers other than those specified by the instrument of his appointment. |
| 20 | | | (2A) An authorised officer shall, in the exercise or performance of his powers, authorities, duties and func- tions under this Act, be subject to the control and direction of the Commis- |
| 25 | | | sion. (2B) The Commission shall cause every admission centre, mental hospital and authorised hospital to be visited |
| 30 | | | and inspected from time to time by authorised officers, with or without previous notice and at any time of the day or night as it thinks fit. (2c) An authorised officer may at any time make such inspections, |
| 35 | | | any time make such inspections, investigations and inquiries as he deems necessary, and shall make such inspections, investigations and inquiries as are directed by the Minister, with respect to the care, treatment or control |
| 40 | | | of patients or voluntary patients or with respect to the management of any admission centre, mental hospital or authorised hospital. |
| | | | (b) Omit from subsection (3) (a) "the Director", insert instead "any author- ised officer"; |
| 45 | | | (c) Omit subsection (4) (a), insert instead the following paragraph:— (a) An authorised officer, being an officer within the meaning of the |
| 50 | | | Public Service Act, 1902, who has any pecuniary interest, directly or indirectly, in any authorised hospital shall be deemed to be guilty of misconduct within the meaning of that Act. |

Health Commission.

SCHEDULE—continued.

| | Colum | nn 1. | Column 2. |
|----|-------------------------------|--|--|
| 5 | Year and number of Act. | Short title of Act. | Amendment. |
| 10 | 1958, No. 45 —continued | Mental Health Act, 1958— continued | (d) Omit from subsection (4) (b) "A |
| | VIII - | | Director or Deputy Director", insert instead "An authorised officer"; (e) Omit from subsection (5) "he", insert instead "it". |
| 15 | | A | Sections 7 (3) (a), (b); 17; 20 (1); 33 (2); |
| | a final pa | to really another | 108 (3); 109A (3)— |
| | | | Omit "The Director" wherever occurring, insert instead "An authorised officer". |
| | | | Sections 7 (3) (c); 16 (c); 17; 24 (1); |
| 20 | State Barries | Maria a star | 25 (1); 27 (1); 28; 33 (1); 34 (2) (d); |
| | | in a segir real | 102 (a); 104; 105; 108 (2), (6), (7)- |
| | | | Omit "the Director" wherever occurring, insert instead "an authorised officer". |
| | | and the second | Sections 7 (5); 11 (1), (7); 108 (5)- |
| 25 | | | Omit "Director" wherever occurring, insert instead "Commission". |
| | and the second | and the second second | Section 32— |
| | | | Omit "Director", insert instead "an author- ised officer". |
| 30 | | | Section 65 (1)— |
| | | te di | Omit the subsection, insert instead the following subsections:— (1) Except as may be directed by the Transurer the Moster chell new inte |
| 35 | | | Treasurer, the Master shall pay into the Hospitals Fund established under the Public Hospitals Act, 1929, for the use and benefit thereof, and at such times and in such manner as the |
| 40 | | | Governor may from time to time appoint, all money paid to the Master for the maintenance of any patient or voluntary patient. |

SCHEDULE

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Health Commission.

SCHEDULE—continued.

| | Colu | umn 1. | Column 2. |
|----|-------------------------------|---|--|
| 5 | Year and number of Act. | Short title of Act. | Amendment. |
| 10 | 1958, No. 45 —continued | Mental Health Act, 1958– continued | Section 65 (1)— <i>continued</i> (1A) The Master shall pay into the Consolidated Revenue Fund, for the use and benefit thereof, and at such |
| 15 | | | times and in such manner as the Governor may from time to time appoint, all fees received by the Master whether charged by way of percentage or otherwise and all moneys referred to in subsection (1) directed by the Treasurer to be paid into that Fund. |
| 20 | | | Section 108— |
| 25 | | | (a) Omit from subsection (4) "the Director" where firstly occurring, insert instead "an authorised officer"; (b) Omit from subsection (4) "the Director" where secondly, thirdly and fourthly occurring, insert instead "the authorised officer". |
| | 5. | | Section 109A— |
| 30 | | | Omit from subsections (4) and (5) "Director" wherever occurring, insert instead "authorised officer". |
| | | | Section 110 (3)— |
| 35 | | | (a) Omit "Director" where firstly occurring, insert instead "Commission, an authorised officer"; (b) Omit "the Director" where secondly occurring, insert instead "an authorised officer". |
| | 1912, No. 49 | Newcostle Die | Section 2 |
| 40 | 1712, 190. 47 | Newcastle Dis- trict Abat- toir and Sale- yards Act, 1912 | Insert next after the definition of "Cattle" the following new definition : |
| 45 | i.e. | | "Commission" means the Health Commission of New South Wales constituted under the Health Commission Act, 1972. |

110 1922

SCHEDULE

SCHEDULE—continued.

| | Colu | ımn 1. | Column 2. |
|-----|-------------------------------|--|---|
| 5 | Year and number of Act. | Short title of Act. | Amendment. |
| 10 | 1912, No. 49 —continued | Newcastle District Abattoir and Sale-yards Act, 1912— continued | Sections 10 (1); 12; 17 (3); 19 (1) (a), (2); 20; 26 (2)— Omit "Board of Health" wherever occur- ring, insert instead "Commission". |
| 5 | 1964, No. 44 | New South Wales Insti- tute of Psy- chiatry Act, 1964 | Section 2— Insert next after the definition of "By-laws" the following new definition:— "Commission" means the Health Commission of New South |
| 20 | | | Wales constituted under the Health Commission Act, 1972. |
| | J. J. | | Section 5— |
| 2.5 | | | (a) Omit subsection (2) (b), (c), (d), insert instead the following paragraphs:— (b) two persons, each of whom shall be either a member of the Commission nominated by the Commission or an officer of the |
| 0 | | | Commission so nominated, and one of whom is a psychiatrist; (c) a medical practitioner who is a member or officer of the Com- mission, nominated by the Minister; and; |
| 5 | | | (b) Omit subsection (3) (b), insert instead the following paragraph:— (b) is a member or officer of the Commission or is employed in any branch of the Repatriation |
| 0 | | | Department of the Common- wealth; or. |
| | | | Section 6— |
| | | | Omit ", (c) and (d)", insert instead "and (c)". |

SCHEDULE—continued.

| | Colu | mn 1. | Column 2. |
|--------|-------------------------------|---|---|
| | Year and number of Act. | Short title of Act. | Amendment. |
| 0 5 | 1964, No. 44 —continued | New South Wales Insti- tute of Psychiatry Act, 1964— continued | Section 12— (a) Omit from subsection (2) (a) ", (b). (c) or (d)", insert instead "or (c)"; (b) Insert at the end of subsection (2) the following word and new paragraph:— ; or (c) pursuant to paragraph (b) of that subsection, be appointed on the nomination of the Com- mission. |
| 0 | 1955, No. 25 | New South Wales State Cancer Coun- cil Act, 1955 | Sections 4 (1) (f); 5 (1) (a)— Omit "Hospitals Commission" wherever occurring, insert instead "Health Com- mission", |
| 5 | 1915, No. 4 | Notification of Births Act, 1915 | Section 2— Insert next before the definition of "Muni- cipality" the following new definition :— "Commission" means the Health Commission of New South Wales constituted under the Health Commission Act, 1972. |
| | | | Section 3— |
| 5 | | | (a) Omit from subsection (1) "Under Secretary of the Department of Public Health, or to some person authorised by him to receive such notices", insert instead "Commission"; |
| 0 | | e Sumbulnitaa Natuli ka e | (b) Omit from subsection (2) "the office of the Under Secretary", insert instead "an office of the Commission"; (c) Omit from subsection (2) "such Under Secretary or authorised person", insert |
| 5 | | i din shari Archi la di Archi la din | (d) Omit from subsection (3) "Under Secretary", insert instead "Commis- sion". |

SCHED GLUES

Health Commission.

SCHEDULE—continued.

| | Co | lumn 1. | Column 2. |
|----|-------------------------------|--|--|
| 5 | Year and number of Act. | Short title of Act. | Amendment. |
| 10 | 1902, No. 82. | Noxious Trades Act, 1902 | Section 3— Omit the definition of "The Board", insert instead the following definition:— "Commission" means the Health Commission of New South |
| 15 | | lagarri can an Cartanza pr | Wales constituted under the Health Commission Act, 1972. |
| | | | Sections 4 (2) (a); 5; 7; 9; 10; 11; 16; 18— |
| | | | Omit "Board" wherever occurring, insert instead "Commission". |
| 20 | | the contraction | Section 9— |
| | | ndet for ordered | Omit the heading, insert instead the following heading:— The Commission. |
| | | | |
| 25 | 957, No. 3 | Noxious Trades | Section 2 (c) (ii)— |
| | | (Amendment) Act, 1957 | Omit "Board" wherever occurring, insert instead "Commission". |
| | in arts | 1997) - Aline Aline y Aline Aline Aline Aline Aline Aline Aline Aline Aline | |
| 1 | 953, No. 10 | Nurses Regis- tration Act. | Section 3— |
| 30 | | 1953 | Insert next after the definition of "Com- mencement of this Act" the following new definition: |
| 35 | | a X Riena | Commission of New South Wales constituted under the |

Health Commission.

SCHEDULE—continued.

| | Colu | mn 1. | Column 2. |
|----|-------------------------------|---|--|
| | Year and number of Act. | Short title of Act. | Amendment. |
| .0 | 953, No. 10 —continued | Nurses Registration Act, 1953— continued | Section 5— (a) Omit subsection (1) (a), (b), insert instead the following paragraphs:— (a) two, each of whom shall be a |
| 5 | | | member of the Commission nominated by the Commission or an officer of the Commission so nominated and of whom one shall be appointed to be Chair- man of the Board; |
| 0 | | | (b) one shall be a psychiatrist who is a member of the Commission nominated by the Commission or who is an officer of the Com- |
| 5 | | | mission so nominated; (b) Omit subsection (1) (h); (c) Omit from subsection (1) "The member referred to in paragraph (a) of this subsection", insert instead "The person appointed to be Chairman of the Board"; |
| 0 | | | (d) Omit from subsection (1) "The mem- ber referred to in paragraph (b) of this subsection may from time to time nominate a person to act in his place |
| 5 | | | as a member."; (e) Omit subsection (4), insert instead the following subsection:— (4) A member of the Board who is not a member of the Public Service or |
| 0 | | | a member of the Commission snall be paid such fees as the Governor may from time to time direct. |
| | | | Section 9 (2) (a)— Omit "Hospitals Commission of New South Wales" wherever occurring, insert |
| 5 | | | instead "Commission". Section 25 (1)— |
| 0 | | | Omit "Director-General of Public Health or a legally qualified medical practi- tioner authorised by him in that behalf", insert instead "Commission". |

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SCHEDULE—continued.

| | Colu | mn 1. | Column 2. | |
|----|-------------------------------|--|--|-------|
| 5 | Year and number of Act. | Short title of Act. | Amendment. | 1 |
| | 1963, No. 35 | | Section 6 (2) (a)— | |
| 10 | | Dispensers Act, 1963 | Omit the paragraph, insert instead the following paragraph:— (a) one shall be a member of the Health Commission of New | 0. |
| 15 | roje toji eno tiji | berna Diblio ad Line Comini Diblio ad ada Marina ta Fe O | South Wales nominated by that Commission or an officer of that Commission so nominated; | S. |
| | | Bostan | Section 7— | |
| 20 | en iz noiz ttais •mo | of the Contant by the Contant in flictr of the (warinated; (h): flictr (f) "Tag 1 | (a) Omit "Under Secretary, Department of Public Health,", insert instead "member appointed under paragraph (a) of subsection (2) of section 6"; (b) Omit ", whether constituted under section five or six of this Act". | 20 |
| | | ori (c) digaggiore: Instead () finc (n | Section 11— | |
| 25 | | lo considio indiana antenana indian indiana indian indian indi indi | After "Public Service" insert "or a mem- ber of the Health Commission of New South Wales". | 01 |
| | 1930, No. 20 | Optometrists | Section 4— | 25 |
| 30 | | Act, 1930 | Insert next after the definition of "Board" the following new definition:— "Commission" means the Health | |
| 35 | | | Commission of New South Wales constituted under the Health Commission Act, 1972. | 01 |
| | | a martine and a | Section 5— | |
| 40 | | | (a) Omit subsection (2) (f), insert instead the following paragraph:— (f) one shall be a member of the Commission nominated by the Commission or an officer of the Commission so nominated. | 64.50 |
| 45 | | n facilità 6 1 zlud iselo n'h F | (b) Omit from subsection (6) "Under Secretary, Department of Public Health", insert instead "person appoin- ted under paragraph (f) of subsection (2)"; | 07 |

SCHEDULE

52

Health Commission.

SCHEDULE—continued.

| | Colu | imn 1. | Column 2. |
|-----|-------------------------------|-------------------------------|--|
| ; | Year and number of Act. | Short title of Act. | Amendment. |
| | 1930, No. 20 | Optometrists | Section 5—continued |
| 10 | continued | Act, 1930— continued | (c) Omit from subsection (10) "Under Secretary, Department of Public Health,", insert instead "person appointed under paragraph (f) of sub- section (2)". |
| 15 | alc.s | noissinning 200 | Section 29A (5)— |
| | enide Stra | o todinosi a | Omit "Director-General of Public Health", insert instead "Commission". |
| | 1964, No. 48 | | Section 4— |
| 20 | 5d 8 | 1964 | (a) After "who" in subsection (2) insert "(except in the case of the member referred to in paragraph (b))"; (b) Omit subsection (2) (b), insert instead |
| 2.5 | -1102 | o averan o moissioner of t | the following paragraph:— (b) one shall be a member of the Health Commission of New South Wales from time to time nominated by that Commission |
| 80 | Lan, | ing " broder Seen | or an officer of that Commission from time to time so nominated; (c) After "Board" in subsection (3) insert ", other than the member referred to in paragraph (b) of subsection (2),"; |
| 35 | South States of | "li mit eritenet | (d) In subsection (5) after "public servant" insert "or a member of the Health Commission of New South Wales". |
| | 1966, No. 31 | Poisons Act, | Section 4 (1)— |
| | alt alt | 1966 | (a) Insert next after the definition of |
| 10 | | and to the first of the | "Automatic machine" the following new definition: |
| 15 | | o munda dia Cantana dia | Health Commission Act, 1972. (b) Omit the definition of "Under Secretary". |

UUGARA

Health Commission.

SCHEDULE—continued.

| | Colu | ımn 1. | Column 2. |
|---|-------------------------------|-------------------------------------|--|
| | Year and number of Act. | Short title of Act. | Amendment. |
| 0 | 1966, No. 31 —continued | Poisons Act, 1966—con- tinued | Section 6— (a) Omit subsection 2 (a), insert instead |
| 5 | | | the following paragraph:— (a) a member of the Commission from time to time nominated by the Commission or an officer of the Commission from time to time so nominated; (b) In subsection (11) after "Public Service" insert "or a member of the Commission". |
| 0 | | | Section 10 (1)— |
| | | | Omit "Under Secretary, or such other person as may from time to time be nominated by him for the purpose,", insert instead "Commission". |
| 5 | | | Sections 16 (1); 19 (1), (1B); 24 (2) (d), (e), |
| | | | (f); 43 (1)— |
| | 1 | | Omit "Under Secretary" wherever occur- ring, insert instead "Commission". |
| | | | Section 19— |
| 0 | | | Omit from subsection (1A) "Under Secretary for reasons that he", insert instead "Commission for reasons that it". |
| | | | Section 24— |
| 5 | | | (a) Omit from subsection (2) (d) "he", insert instead "it"; (b) Omit subsection (2A). |
| | | | Section 27— |
| | | | Omit the definition of "Director-General". |
|) | | | Sections 28; 29 (1), (2), (3), (4), (5) (c); 30 (4)- |
| | | | Omit "Director-General" wherever occur- ring, insert instead "Commission". |

Health Commission.

SCHEDULE—continued.

| | Colur | nn 1. | Column 2. |
|----|-------------------------------|--|--|
| 5 | Year and number of Act. | Short title of Act. | Amendment. |
| | 1966, No. 31- continued | Poisons Act, 1966— | Section 29— |
| 10 | commuted | continued | (a) Omit from subsection (4) "he", insert instead "it"; (b) Omit from subsection (5) (d) "the Director-General", insert instead "a provide the formation of the communication of the |
| 15 | Rivin Africa La Maria | Setukinas kitai 1998 t. Sao arek Karugeak Matt | member of the Commission or by an officer of the Commission authorised generally or specially by the Commis- sion to do so". |
| | | | Section 30 (5)— |
| 20 | | | After "Public Service", insert "or a member of the Commission". |
| | | | Section 37 (1)— |
| 25 | | | (a) Omit "person for the time being holding office as Director-General of Public Health", insert instead "Com- mission"; (b) Omit "his", insert instead "its". |
| | basse | No. of Sec. A. | Section 39— |
| 30 | | | (a) Omit "the Under Secretary" where firstly occurring, insert instead "a member of the Commission or by an officer of the Commission authorised generally or specially by the Commis- sion to do so"; |
| 35 | | | (b) Omit "of the person appearing to have signed the certificate or that he was the Under Secretary", insert instead "or of the official character or authority of the person purporting to have signed the certificate". |
| 40 | 1908, No. 14 | Private Hospi- tals Act, 1908 | Section 2— Omit the definition of "Commission", insert instead the following defini- |
| 45 | | | tion:— "Commission" means the Health Commission of New South Wales constituted under the Health Commission Act, 1972. |

SCHEDULE

Health Commission.

SCHEDULE—continued.

| | Colur | nn 1. | Column 2. |
|---|---|--|--|
| | Year and number of Act. | Short title of Act. | Amendment. |
|) | 1908, No. 14 —continued | Private Hospitals Act, 1908 —continued | Section 11 (1)— Omit "Board of Health" wherever occur- ring, insert instead "Commission". Section 24— |
| 5 | | ine ante sere Statut de sere | Omit "the Hospital Fund established under the Public Hospitals Act, 1929", insert instead "Consolidated Revenue Fund". Section 25— |
|) | na hailata | a the finanial a The | After "commencement" where secondly occurring insert "and before the appointed day under the Health Commission Act, 1972". |
| | 1902, No. 30 | Public Health Act, 1902 | Section 1— |
| 5 | a a b ch | | (a) Omit from the matter relating to Part II "BOARD OF HEALTH", insert instead "ADVISORY BOARD OF HEALTH"; (b) Omit from the matter relating to Div- ision 1 of Part II "Board of Health", insert instead "Advisory Board of Health". |
| 5 | er ore er til er benede benede | alar oʻr goʻtti ayon oʻr titlarid (taranga yotti taranga oʻranga oʻranga | Section 3— (a) Omit the definition of "Board", insert instead the following definition:— "Board" means the Advisory Board of Health constituted under this Act. |
| | and a second | | (b) Insert next after the definition of "Chemical closet" the following new definition:— "Commission" means the Health |
|) | A Pail- in 190 South | ्राम् स्थित् ज्योः जन्म स्थल्यात् अस्थल स्थलाः स्थल | Commission of New South Wales constituted under the Health Commission Act, 1972. (c) From the definition of "Health inspec- tor" omit "Board", insert instead |

Health Commission.

SCHEDULE—continued.

| | Colu | ımn 1. | Column 2. | |
|----|--|--|---|------------------|
| 5 | Year and number of Act. | Short title of Act. | | iesi ama S |
| | 1902, No. 30 —continued | Public Health Act, 1902— | Section 3—continued | |
| 10 | in and B V | continued | (d) From the definition of "Local author- ity" omit "Board", insert instead | 10 20 |
| | 10968 | nings al in ne l'ère d'ère | "Commission"; (e) From the definition of "Officer" omit "Board", insert instead "Commis- | |
| 15 | 8d (). () 10 ,000 | At President 1 | sion"; (f) From the definition of "President" omit "of Health". | 13 |
| | tixe Lizent | ia della om - a orti a d'a com - a | PART II- | |
| 20 | ailter office educt | Lon 2000 and bloch conisto bloc 200 con Jon Lon blo de en even at a | Omit the heading to the Part and to Division 1, insert instead the following heading:— | 20 |
| | | gi vidit v toeronin 17 80 North | PART II. | S |
| | os o Lau | el enon) phon Number | THE ADVISORY BOARD OF HEALTH AND LOCAL AUTHORITIES. | |
| 25 | noj | er Gorango (1931 bi Carnin 1941 bi Carnin | DIVISION 1.—The Advisory Board of Health. | 30 1 |
| | the state of the s | i he ha dat a h A ha dat a ha h | Section 6— | |
| | statistics and statistics | nalas intellipente national en la const | Omit the section, insert instead the follow- ing section:— | 35 |
| 30 | at a later a | | Consti- 6. There is hereby constituted tution a body under the name of the of the "Advisory Board of Health" | |
| 35 | a ha esta no h | | Board. which shall have and may exercise and perform the powers, authorities, duties and functions conferred or imposed upon it by or under this or any other Act. | 40 |
| | | | Section 7— | \$'Þ |
| 40 | 511 | bioton - tigeu | Omit the section, insert instead the following section:— Members 7. (1) The Board shall consist of the of not less than seven nor more Board. than ten members appointed by | |
| 45 | in i | neno Leon V. h Alfra Archite Meno Gerbi kr | the Minister, of whom not less than four shall be medical practitioners. | |

SCHEDULE

Health Commission.

SCHEDULE—continued.

| | Colu | mn 1. | Column 2. |
|----|-------------------------------|-------------------------|---|
| 5 | Year and number of Act. | Short title of Act. | Amendment. |
| | 1902, No. 30- | | Section 7—continued |
| 10 | continued | Act, 1902— continued | (2) One of the members of the Board shall, in and by the instrument of his appointment, be appointed as President of the |
| 15 | | | Board. (3) The President shall be appointed on the nomination of the Commission. (4) A member of the |
| 20 | | | Board, other than the President, shall, if he does not earlier cease to hold office, hold office for such period, not exceeding three years, as may be specified |
| 25 | | | in the instrument of his appoint- ment and shall be eligible for reappointment from time to time. |
| 30 | | | (5) A person who, immed- iately before the appointed day under the Health Commission Act, 1972, held office as a member of the Board of Health constituted under this Part, as |
| 35 | | | in force immediately before that day, shall, on and from that day, be deemed to have been ap- pointed as a member of the Board and shall, if he does not earlier cease to hold office, |
| 40 | | | hold office for such term as is equal to the part of the term for which he was last appointed to the Board of Health, so con- |
| 45 | | | stituted, that is unexpired on that day. |
| | | | Section 9— |
| | | | Omit the section, insert instead the following section:- |
| 50 | | | Advisory 9. The Board may and shall, powers if requested by the Commission of the to do so, prepare and furnish Board. reports and advise and make |

Health Commission.

SCHEDULE—continued.

| | Colum | mn 1. | Column 2. |
|----|-------------------------------|--|--|
| 5 | Year and number of Act. | Short title of Act. | Amendment. |
| 10 | 1902, No. 30 —continued | Public Health Act, 1902— continued | Section 9—continued recommendations to the Com- |
| 10 | | continuea | mission upon any matter re- lating to the powers, author- ities, duties and functions con- |
| 15 | | | ferred or imposed upon the Commission by this Act, the Pure Food Act, 1908, the Noxious Trades Act, 1902, the Fluorida- tion of Public Water Supplies Act, 1957, the Food Preserva- |
| 20 | | | tion by Sulphur Dioxide Enab- ling Act, 1920, or the Local Government Act, 1919. |
| | | | Sections 10; 11; 12; 13; 15; 16; 17; |
| | and the second second | General States | 20; 21; 23A; 24; 25; 26; 26F; 29; |
| 25 | | | 29A; 30; 37; 41; 48(1); 50; 50A; 50E; |
| | 12.71 | | 51 (3); 51A; 52; 54; 56; 58; 60; 61; |
| | | (1,1) | 62; 63; 71; 71B; 71c; 72; 75; 94; |
| | | | 95; 96; 99; 102; 102A; 103; 105; |
| | - 12 - | | 107 and 110- |
| 30 | | | Omit "Board" wherever occurring, insert instead "Commission". |
| | | | Section 14 |
| 35 | | | Omit "Board" where firstly, sixthly, seventhly and ninthly occurring, insert instead "Commission". |
| | | | Section 18 (2)- |
| 40 | | | Omit the subsection, insert instead the following subsection: (2) A member of the Commission who is a medical practitioner shall |
| | | | |

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Health Commission.

SCHEDULE—continued.

| | Colu | ımn 1. | Column 2. | |
|----|-------------------------------|--|---|-----|
| 5 | Year and number of Act. | Short title of Act. | Amendment. | ę |
| | 1902, No. 30- continued | Public Health Act, 1902— | Section 18 (2)—continued | |
| 10 | arini. | continued | have and may exercise and perform all the powers of a medical officer of health. | 01 |
| | con en la constante | audhoung pur s sudhoung pur s | Section 23— | 199 |
| | Parc dous | 1. 1908, the Me | Omit the section. | 13 |
| 15 | | 1,41902, the Fine oblic Water Sur | Section 24 (1); 25— | |
| 20 | | athe Food-Bas Mohar Dioxide 1920, of the Int Act, 1919, 131 (31 (31 16) | Omit "President or secretary" wherever occurring, insert instead "Chairman, secretary or other officer of the Com- mission authorised generally or specially by the Commission to do so". | .05 |
| | 20 - | gite 261 264 | Sections 26A; 26B; 26C; 26D; 26E; 26F; 30A; 32B; 32C; 32D- | 25 |
| | 502) 61) | 8 (1): 30: 30/ 9 (36) 30: 60 | Omit "board" wherever occurring, insert instead "Commission". | |
| 25 | 140 | Ale: -724 75 | Sections 32A (1); 43A (1) (ha)— | |
| | | 1607 1.4501 | Omit "President" wherever occurring, insert instead "Commission". | |
| | | | Sections 43A (1); 51 (2)— | |
| 30 | | Service Se | Omit "Board of Health" wherever occur- ring, insert instead "Commission". | |
| | | 1 | Section 48 (2)— | |
| | | nh), ozviráne. sion": | (a) Omit "President or secretary, or any two members of the Board", insert instead "Chairman or secretary of the | 33 |
| 35 | | noran setti | Commission or any officer of the Commission authorised generally or specially by the Commission to do so"; (b) Omit "Board" where secondly | |
| 40 | noise Ilede | of the Contract at practicioner | occurring, insert instead "Com- | 01 |

SCHEDULE—continued.

| | Colu | mn 1. | Column 2. | |
|---|--|---|--|-----------|
| ; | Year and number of Act. | Short title of Act. | Amendment. | 8.35¥ |
| | 1902, No. 30- | Public Health | Section 50B— | |
| 0 | continued | Act, 1902— continued | From paragraph (b) of the definition of "hospital" omit "Department of Public Health", insert instead "Commission". | |
| | | no refitue | Section 50D— | |
| 5 | | Twice . | Omit "Director-General of Public Health", insert instead "Commission". | |
| | | | Section 51 (2)— | |
| | | a three also | Omit "Board" where secondly occurring, insert instead "Commission". | |
| | | | Section 73— | |
| 0 | i di sia | i 1 of sufficience 1 Constants | Omit "Board or the President" wherever occurring, insert instead "Com- mission". | |
| | The Ver | Constanting of a structure state | Section 108 (1)— | |
| 5 | 1970 - 1970 1970 - 1970 1970 - 1970 - 1970 | nden det syndiger Betrevelse geschiede Sterne beschiede | (a) Omit "Board" where firstly, secondly and fourthly occurring, insert instead "Commission"; (b) Omit "President of the Board", insert instead "Chairman, secretary or other | 1 |
| 0 | - | | instead "Chairman, secretary or other officer of the Commission authorised generally or specially by the Com- mission to do so". | |
| | , the in- | ictic (Control the following | Salada Marina (2000) Mulana (2000) | |
| | n the M | - 511 JUR510 " | 10 m m | , |
| | 1944, No. 16 | Public Health (Amendment) | Sections 6 (1) (b); 7 (1)— | |
| 5 | 1972. aŭer ection | Act, 1944 | Omit "Board" wherever occurring, insert instead "Commission". | |
| | | | | |
| | | | | |
| | | | | |

SCHP DUT.E

SCHEDULE

59

Health Commission.

SCHEDULE—continued.

| | Column 1. | | Column 2. | |
|-------------|-------------------------------|---|--|--|
| | Year and number of Act. | Short title of Act. | Amendment. | |
| 0 | 1902, No. 110 | Public Health (Night-soil Removal) Act, 1902 | Section 2— (a) Omit "Health Board", insert instead "Health Commission of New South Wales"; (b) Omit "Board" where secondly occur- ring, insert instead "Commission"; (c) Omit "Board of Health", insert instead "Commission". | |
| | 1929, No. 8 | Public Hospi- tals Act, 1929 | Long title— Omit "to constitute a Hospitals Commis- sion;". | |
| 0 | | Competence in | Section 1 (2)— | |
| 5 | | | (a) From the matter relating to Part II omit "HOSPITALS COMMISSION", insert instead "HEALTH COMMISSION"; (b) Insert next after the matter relating to Part VA the following new matter:— PART VB.—HOSPITALS CONDUCTED BY THE HEALTH COMMISSION. (c) Insert at the end "FIFTH SCHEDULE.". | |
| 0 | | and the second | Section 3— | |
| 0 5 0 | and a solver of | entre la constance | (a) Omit the definition of "Commission" insert instead the following definition:— "Commission" means the Health Commission of New South Wales constituted under the Health Commission Act, 1972. (b) In the definition of "Hospital" after "applied" insert "by or under section 4". | |

SCHEDULE

SCHEDULE—continued.

| | Colu | ımn 1. | Column 2. | |
|------------|-------------------------------|---|---|--|
| 5 | Year and number of Act. | Short title of Act. | Amendment. | |
| 10 | 1929, No. 8— continued | Public Hospi- tals Act, 1929 —continued | After "VA", insert "or Part VB". | |
| | | | PART II, heading— Omit "HOSPITALS COMMISSION", insert instead "HEALTH COMMISSION". | |
| | | | Sections 5; 6; 7; 8; 9; 10- | |
| 15 | | | Omit the sections. | |
| | | | Section 11— | |
| 20 | | | Insert at the end of subsection (1) the following new paragraph:— (h) to conduct, manage, maintain and operate and, where neces- sary, to extend and improve the hospitals mentioned in the Fifth Schedule. | |
| 25 30 | | | Insert at the end the following new sub- section:— (3) Where the Commission is of the opinion that it is in the public interest to do so, it may close any of the hospitals mentioned in the Fifth Schedule. | |
| | | | Section 17— | |
| 35 | | | (a) Omit subsection (2) (a), insert instead the following paragraph:— (a) all moneys appropriated by Parliament for the purposes of this Act (including moneys so appropriated for the granting of | |
| 4 0 | | | subsidies or other assistance to hospitals and associated organ- isations) and, subject to sub- section (2A), all other moneys received by the Commission from any other source pursuant | |
| 45 | | | to the exercise or performance of its powers, authorities, duties or functions under this Act; and; | |

SCHEDULE—continued.

| | Colur | nn 1. | Column 2. |
|----|--|--|--|
| - | Year and number of Act. | Short title of Act. | Amendment. |
| 19 | 929, No. 8— | Public Hospi- | Section 17—continued |
| | continued | tals Act, 1929 —continued | (b) Insert next after subsection (2) the following new subsection:— (2A) The Commission shall pay to the Treasurer such amount as is |
| | | incastantos generaldado generaldado | determined by the Treasurer as repre- senting moneys received by the Com- mission in respect of the care or treat- ment of patients in hospitals mentioned in the Fifth Schedule given before the appointed day under the Health Commission Act, 1972. |
| | | | Section 29B (1) (a)— |
| | the L | Bubbedlog (1) Automation (1) | (a) Omit from subparagraph (ii) "and", insert instead "or"; |
| 5 | 4040 -4000 001 3 011 3 011 3 | otas e cae a n otor bne o vokini bte cris oni eriber i o | (b) Insert next after subparagraph (ii) the following new subparagraph:— (iii) the planning or construction of any building or facility for use as or by a hospital or proposed hospital; and. |
| | - at a | an realization | Part VB— |
| | anteri anteri Antoria | ulsaddn aranu g yaraanaa g afr a saad | Insert next after Part VA the following new Part:— PART VB.—HOSPITALS CONDUCTED BY THE HEALTH COMMISSION. |
| 5 | | ni manina in 1910 | Altera- tion of the recommendation of the Fifth Commission, by order pub- Schedule. lished in the Gazette, amend the Fifth Schedule— |
|) | | ano z saibulad barg si no ba notatet c titlo o o bburogae: Ba o bburogae: Ba | (a) by inserting therein the name of a hospital or proposed hospital which is being, or is to be, conducted by the Com- |
| | | all oteen of the for or n vite son cogniti of or portoro of other sec. o | mission; (b) alter the name of any hospital specified in that |

CUDEND

SCHEDULE

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SCHEDULE—continued.

| Colu | mn 1. | Column 2. |
|-------------------------------|---|---|
| Year and number of Act. | Short title of Act. | Amendment. |
| 1929, No. 8– continued | Public Hospi- tals Act, 1929 —continued | Part VB—continued (c) where the Commission has closed any such hospital, remove the name of that hospital from that Schedule. |
| | L and The surface L and three cuich | Section 33 (2)— |
| | nev u u u via 11. onissiemi – 2 1. seostali | Omit "or on behalf of the State", insert instead "the Commission". |
| | | Section 36 (1)— |
| | | After "hospital" insert "(including a hospi- tal mentioned in the Fifth Schedule)". |
| | Sec. Martine | Fifth Schedule— |
| | nin sali (l) asar Motodi bijana r | Insert next after the Fourth Schedule the following new Schedule:— |
| | | FIFTH SCHEDULE. Secs. |
| | the my both a sha | Allandale Hospital (h), 29J. Bloomfield Hospital Broughton Hall Psychiatric Clinic |
| | | Callan Park Hospital David Berry Hospital |
| | i i starad | Garrawarra Hospital Gladesville Hospital |
| | 122 | Kenmore Hospital Lidcombe Hospital |
| | 51 - (3) + (24) | Morisset Hospital Newcastle Psychiatric Centre |
| | | Parramatta Psychiatric Centre Peat and Milson Islands Hospital |
| | | Rydalmere Hospital Stockton Hospital Strickland House |
| | al moli prit | Garrawarra Hospital Gladesville Hospital Grosvenor Hospital Kenmore Hospital Lidcombe Hospital Marsden Hospital Morisset Hospital Newcastle Psychiatric Centre North Ryde Psychiatric Centre Parramatta Psychiatric Centre Peat and Milson Islands Hospital Randwick Chest Hospital Rydalmere Hospital Stockton Hospital |

SCHEDULE

Act No. , 1972

Health Commission.

SCHEDULE—continued.

| | Colu | mn 1. | Column 2. |
|-----|-------------------------------|--|--|
| 5 | Year and number of Act. | Short title of Act. | Amendment. |
| 10 | 1901, No. 29 | Public Institu- tions Inspec- tion Act, 1901 | |
| 15 | | | in a particular case", insert instead "(within the meaning of the Public Hospitals Act, 1929) only the Health Commission of New South Wales or an officer of that Commission author- ised generally or specially in writing |
| 20 | | | by the Commission to do so". |
| I | 1908, No. 31 | | Section 4 |
| 25 | | Act, 1908 | (a) Omit from subsection (1) the definition of "Board", insert instead the following definition:— "Commission" means the Health Commission of New South Wales constituted under the |
| 30 | | Ale a la | Health Commission Act, 1972. (b) From the definitions of "Local authority" and "Officer" in subsection (1) omit "board" wherever occurring, insert instead "Commission". |
| 35 | | | Sections 4 (2); 6 (3); 9; 16; 17; 17A; 18; 19; 19A; 20; 21 (3); 22 (1); |
| ,,, | | | 16, 12, 134, 26, 21 (3), 22 (1), 26; 32; 34; 37; 51 (2); 53; 54; |
| | | | 55— Omit "board" and "Board of Health" |
| 40 | | | wherever occurring, insert instead "Commission". |

Health Commission.

SCHEDULE—continued.

| | Colur | mn 1. | Column 2. Amendment. | |
|----------|-------------------------------|--------------------------------------|---|--|
| 5 | Year and number of Act. | Short title of Act. | | |
| 10 | -continued | Pure Food Act, 1908— continued | Section 6 (1)— (a) Omit "the president of the Board of Health,", insert instead "a member of | |
| 15 20 | | | the Commission nominated by the Commission, or an officer of the Commission so nominated,"; (b) Omit "the medical officer of health, metropolitan combined sanitary districts", insert instead "a medical officer of health within the meaning of the Public Health Act, 1902, from time to time nominated by the Commission". | |
| | g - 2 th | fut have in | Section 8— | |
| 25 | | | (a) After "public service" insert "or a member of the Commission"; (b) Omit ", but such fees shall not exceed four dollars twenty cents per member per sitting". | |
| | and had the | a astarter a | Section 51— | |
| 30 | | | (a) Omit from subsection (1) "president of the board", insert instead "Com- mission"; (b) Omit from subsection (1) "he", insert instead "it"; | |
| 35 | | | (c) Omit from subsection (1) "his", insert instead "its"; (d) Omit from subsection (1) "him", insert instead "it"; | |
| 40 | | | (e) Omit from subsection (2) "said president", insert instead "Commission"; (f) Omit from subsection (3) "of the president". | |
| | A A A | ignore in git of | Section 51A— | |
| 45 | | | (a) Omit from subsection (1) the definition of "Director-General"; (b) Omit from subsections (2), (3), (4), (5), (6), (8) "the Director-General" wherever occurring, insert instead "a member of the Commission". | |

Health Commission.

SCHEDULE—continued.

| | Colu | mn 1. | Column 2. |
|----|-------------------------------|---|--|
| 5 | Year and number of Act. | Short title of Act. | Amendment. |
| 10 | 1957, No. 5 | Radioactive Substances Act, 1957 | Section 3— Omit the definition of "Under Secretary". |
| | | | Section 4— |
| 15 | | | (a) Omit subsection (2) (a), insert instead the following paragraph:— (a) a member of the Health Commission of New South Wales from time to time nominated |
| 20 | | Δ. | by that Commission or an officer of that Commission from time to time so nominated; and; (b) In subsection (10) after "Public Service" insert "or of the Health Com- mission of New South Wales". |
| | | | Section 11— |
| 25 | | an an De la transferancia | (a) Omit from subsection (1) (a) "Under Secretary", insert instead "Health Commission of New South Wales (in this section referred to as "the Com- |
| 30 | | | mission")"; (b) Omit from subsections (1) (b), (c), (2) "Under Secretary" wherever occurring, insert instead "Commission". |
| | | | |
| | 1970, No. 95 | | Section 6 (2) (b) (ii)— |
| 35 | | tion Control Commission Act, 1970 | Omit the subparagraph, insert instead the following subparagraph:— (ii) one shall be a member of the Health Commission of New |
| 40 | | | South Wales from time to time nominated by that Commission or an officer of that Com- mission from time to time so nominated; and. |

SCHEDULE

Health Commission.

SCHEDULE—continued.

| | Colu | mn 1. | Column 2. |
|----|-------------------------------|---|---|
| 5 | Year and number of Act. | Short title of Act. | Amendment. |
| 10 | 1970, No. 95— continued | State Pollu- tion Control Commission Act, 1970— continued | Section 18 (2) (e)— Omit the paragraph, insert instead the following paragraph:— (e) one shall be a member of the |
| 15 | | | Health Commission of New South Wales nominated by that Commission or an officer of that Commission so nominated |
| | 1972, No. 14 | Therapeutic Goods and | Section 4 (1)— |
| 20 | | Cosmetics Act, 1972 | (a) Insert next after the definition of "automatic machine" the following new definition:— "Commission" means the Health Commission of New South Wales constituted under the |
| 25 | | | Health Commission Act, 1972; |
| | | | (b) Omit the definition of "Under Secretary". |
| | | | Section 7 (2) (a)— |
| 30 | | tana garu | Omit the paragraph, insert instead the following paragraph:— (a) a medical practitioner, being a member of the Commission from time to time nominated by the Commission or being ar |
| 35 | | | officer of the Commission from time to time so nominated; and |
| | | | Sections 10 (2); 19; 20 (1); 21; 28 |
| | | | 29; 31 (3) (a); 33 (5); 35; 37; 39 |
| | | | 41 (1); 45; 52— |
| 40 | | | Omit "Under Secretary" wherever occur- ring, insert instead "Commission". |
| | | | Sections 21 (5); 28 (1), (2)— |
| | | | Omit "he" wherever occurring, insert instead "it". |

Health Commission.

SCHEDULE—continued.

| | Colur | nn 1. | Column 2. |
|----|-------------------------------|--|---|
| 5 | Year and number of Act. | Short title of Act. | Amendment. |
| 10 | 1972, No. 14 —continued | Therapeutic Goods and Cosmetics Act, 1972— continued | Section 53 (1)— Omit "the Under Secretary", insert instead "a member of the Commission or by an officer of the Commission authorised generally or specially by the Com- mission to do so". |
| 15 | 1912, No. 21 | Trustees Audit Act, 1912 | Sections 4; 5— Omit "Hospitals Commission" wherever occurring, insert instead "Health Com- mission". |
| 20 | 1918, No. 46 | Venereal Diseases Act, 1918 | Section 2— Omit the definition of "Minister". |
| 25 | | | Section 9A (1)— Omit "Department of Public Health", insert instead "Health Commission of New South Wales". |
| | | 5 | Sections 24; 27— Omit "Minister" wherever occurring, insert instead "Commission". |

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Health Commission.

SCHEDULE—continued.

| | Column 1. | | Column 2. Amendment. | |
|----|--|---------------------------------|--|--|
| 5 | Year and number of Act. Short title of Act. | | | |
| 10 | 1929, No. 8 | Public Hospi- tals Act, 1929 | PART 2. Sections 40BA; 40BB— Insert next after section 40B the following | |

| | new sections:- |
|----|--|
| 15 | Deter- mination of con- ditions of employ- ment of 40BA. (1) In this section— "hospital" means any hos- pital whose name is included in the Second Schedule and includes |
| 20 | officers any associated organ- and isation whose name is employees included in the Fourth of Schedule; hospitals. "Public Service Board" |
| 25 | means the Public Service Board consti- tuted by the Public Service Act, 1902. (2) Except in so far as |
| 30 | provision is otherwise made by law, the conditions of employ- ment, including salaries, wages or remuneration, of the officers and employees of hospitals shall |
| 35 | be as may be determined from time to time by the Public Service Board after consultation with the Commission. |
| 40 | (3) The Public Service Board shall, for the purpose of making any determination under subsection (2) or of any pro- ceedings relating to officers and |
| 45 | employees of hospitals, held before a competent tribunal having power to deal with industrial matters within the meaning of the Industrial Arbi- tration Act, 1940, be deemed to |
| 50 | be the employer of the officers and employees of hospitals. (4) The Public Service Board may enter into an agree- ment with any association or |
| | |

SCHEDULE

Health Commission.

SCHEDULE—continued.

| | Colu | ımn 1. | Column 2. |
|----|-------------------------------|---|---|
| 5 | Year and number of Act. | Short title of Act. | Amendment. |
| 10 | 1929, No. 8— continued | Public Hospi- tals Act, 1929 —continued | Sections 40BA; 40BB—continued organisation representing any group or class of officers and employees of hospitals with respect to the salaries, wages or |
| 15 | | | remuneration of that class or group. |
| 20 | | N | (5) An agreement re- ferred to in subsection (4) shall bind all officers and employees in the class or group affected by the agreement and no such officer or employee, whether a member of the association or organisation with which the |
| 25 | | | agreement was entered into or not, shall have any right of appeal against the terms of the agreement. (6) Any determination |
| 30 | | | made by the Board in respect of a matter referred to in sub- section (2), any order or de- termination made by a competent tribunal in any pro- |
| 35 | | | ceedings referred to in sub- section (3), and any agreement referred to in subsection (4), shall be given effect to by the Commission and by the |
| 40 | | | hospitals employing the officers and employees. (7) Nothing in this section authorises— |
| 45 | | | (a) the Public Service Board to act as an employer; or (b) any power, authority, duty or function to be |
| 50 | | | exercised or performed by or in relation to the Public Service Board, otherwise than for the purposes of and in accordance with this section. |

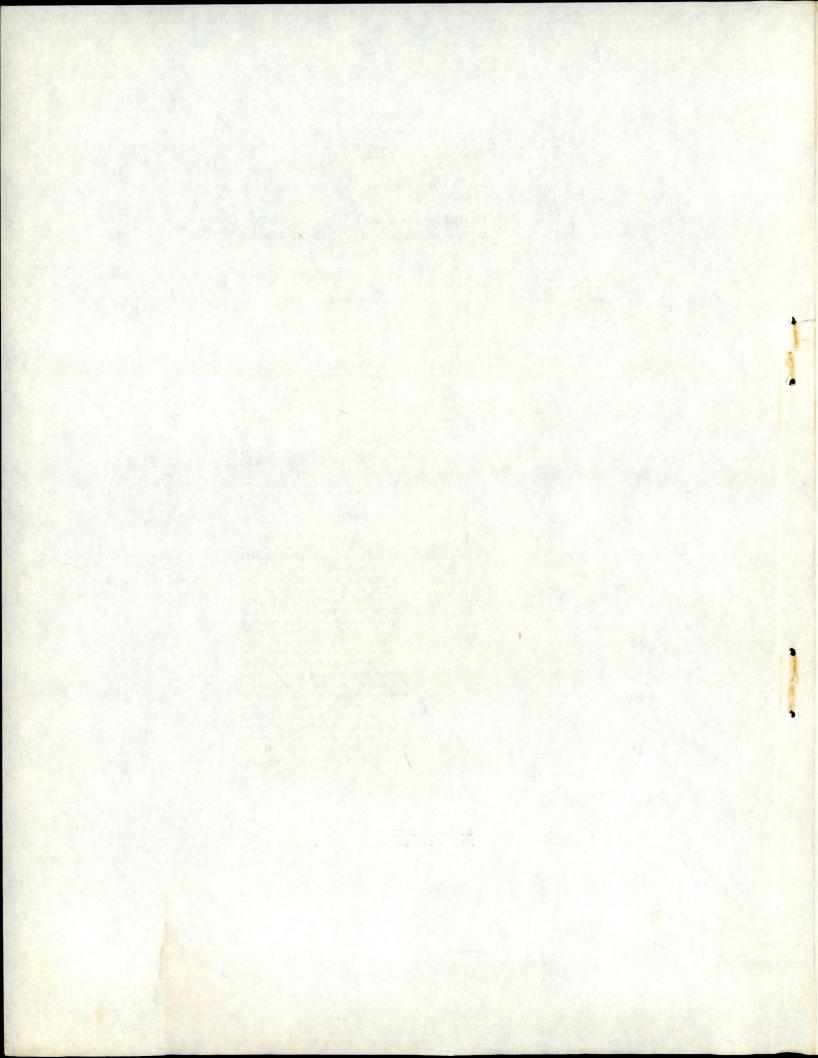
SCHEDULE

Health Commission.

SCHEDULE—continued.

| | Colu | mn 1. | Column 2. | |
|----------|-------------------------------|---|--|--|
| 5 | Year and number of Act. | Short title of Act. | Amendment. | |
| 10 | 1929, No. 8— continued | Public Hospi- tals Act, 1929 —continued | Sections 40BA; 40BB—continued Commis- 40BB. (1) In this section, sion "hospital" means any hospital entitled to whose name is included in the certain Second Schedule or Third payments Schedule and includes any | |
| 15 20 | Nor: | | payments Schedule and includes any under associated organisation whose Local name is included in the Fourth Govern- Schedule. ment (2) Any moneys that (Super- would but for this subsection be annuation) payable to a hospital under | |
| | | | Act, 1927. section 15y or 15z of the Local Government (Superannuation) Act, 1927, shall be paid to the Commission. | |
| 25 | | | (3) The Commission shall, out of the moneys re- ceived by it under subsection (2) in respect of a former con- tributor or a contributor re- | |
| 30 | | | ferred to in section 15y or 15z of the Local Government (Superannuation) Act, 1927, pay to any person who has been an employer of that former con- | |
| 35 | | | tributor, or contributor, and who makes application in writing to the Commission for the payment, such part of those moneys as the Commission | |
| 40 | | - | deems proper, having regard to the payments made by that employer in respect of that former contributor, or con- tributor, to the Local Govern- | |
| 45 | 54 - | | ment Superannuation Board constituted under that Act. | |

BY AUTHORITY V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES-1972



HEALTH COMMISSION ACT, 1972, No. 63

Reprinted under the Reprints Act, 1972

[Reprinted as at 6th August, 1981]

New South Wales



ANNO VICESIMO PRIMO

ELIZABETHÆ II REGINÆ

Act No. 63, 1972 (1), as amended by Act No. 8, 1975 (2); Act No. 4, 1976 (3); Act No. 63, 1976 (4); Act No. 78, 1976 (5); Act No. 95, 1976 (6); Act No. 19, 1977 (7); Act No. 131, 1977 (8); Act No. 54, 1978 (9); Act No. 110, 1978 (10); Act No. 208, 1979 (11); Act No. 132, 1980 (12); Act No. 187, 1980 (13); and Act No. 83, 1981 (14).

Note.—(1) This Act is reprinted with the omission of all amending provisions authorised to be omitted under sec. 6 of the Reprints Act, 1972.
(2) The symbol \$ indicates that further information concerning the relevant provision is contained in the Note on p. 30.

An Act to constitute the Health Commission of New South Wales and to define its powers, authorities, duties and functions; to dissolve The Hospitals Commission of New South Wales and the Board of Health and to abolish the Department of Health; to amend the Public Health Act, 1902, the Public Hospitals

Act, 1929, and certain other Acts; and for purposes connected therewith.

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* * * * * * * * * * * *

(1) Health Commission Act, 1972, No. 63. Assented to, 23rd November, 1972. Date of commencement of secs. 3-15 and 22, 1st April, 1973, sec. 2 (b) and Gazette No. 32 of 16th March, 1973, p. 814; date of commencement of secs. 16-21, 23-32, 33 (except as it effects amendments in Sch., Pt. 2), 34, and 35 and Sch., Pt. 1, 30th April, 1973, sec. 2 (c) and Gazette No. 53 of 27th April, 1973, p. 1428; date of commencement of Sch., Pt. II, 1st August, 1973, sec. 2 (d) and Gazette No. 97 of 27th July, 1973, p. 3251.

(Reference notes continued on pages 2 and 3.)

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Health Commission.

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 "Health Commission Act, 1972".

Commencement.

2. The provisions—

- (a) of section 1 and of this section shall commence upon the date of assent to this Act;
- (b) of sections 3 to 15 and of section 22 shall commence upon such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette;
- (c) of this Act, other than the provisions referred to in paragraphs (a), (b) and (d), shall commence upon such day, not being earlier than the day appointed and notified under paragraph (b), as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette; and

December, 1976.

(7) Notice of Action and Other Privileges Abolition Act, 1977, No. 19. Assented to, 24th March, 1977. Date of commencement, 19th August, 1977, sec. 2 and Gazette No. 92 of 19th August, 1977, p. 3541.
(8) Health Commission (Amendment) Act, 1977, No. 131. Assented to, 14th Dependent 1977.

December, 1977.

(9) Meat Industry Act, 1978, No. 54. Assented to, 3rd April, 1978. Date of commencement of Sch. 1, 1st November, 1978, sec. 2 (2) and Gazettes No. 140 of 27th October, 1978, p. 4256, and No. 154 of 10th November, 1978, p. 4547.

⁽²⁾ Health Commission and Other Acts (Amendment) Act, 1975, No. 8. Assented to, 4th April, 1975, Date of commencement of sec. 3 (a), (b), (d), (e), 8th July, 1975, sec. 2 (5) and Gazette No. 92 of 4th July, 1975, p. 2622; date of commencement of sec. 3 (c), 1st November, 1975, sec. 2 (2) and Gazette No. 140 of 31st October, 1975, p. 4489; date of commencement of sec. 3 (f), 30th April, 1973, sec. 2 (3).
(3) Statutory and Other Offices Remuneration Act, 1975 (1976 No. 4). Assented to, 7th January, 1976. Date of commencement of Sch. 5, 2nd February, 1976, sec. 2 (2) and Gazette No. 15 of 30th January, 1976, p. 398.
(4) Statute Law Revision Act, 1976, No. 63. Assented to, 2nd November, 1976.
(5) Health Commission (Amendment) Act, 1976, No. 78. Assented to, 2nd December, 1976.

⁽⁶⁾ Public Hospitals (Amendment) Act, 1976, No. 95. Assented to, 8th December. 1976.

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Health Commission.

(d) of section 33, in so far as they effect the amendments specified in Part 2 of the Schedule, and of Part 2 of the Schedule, shall commence upon such day, not being earlier than the day appointed and notified under paragraph (c), as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Interpretation.

Am. 1976 No. 78, s. 2 (a).

3. (1) In this Act, except in so far as the context or subjectmatter otherwise indicates or requires-

- "appointed day" means the day appointed and notified under section 2 (c):
- "Commission" means the Health Commission of New South Wales constituted under this Act;
- "health service" means any medical, hospital, ambulance, paramedical, community health or environmental health service or any other service relating to the maintenance or improvement of the health, or restoration to health, of persons or the prevention of disease in or injury to persons;

"member" means a member of the Commission;

"regulations" means regulations made under this Act.

(2) In this Act, a reference to an ambulance service is a reference to the work of rendering first aid to, and the transport of, sick and injured persons.

(10) Health Commission (Amendment) Act, 1978, No. 110. Assented to, 20th December, 1978. Date of commencement of Sch. 1, 26th January, 1979, sec. 2 (2)

and Gazette No. 14 of 26th January, 1979, p. 325. (11) Dairy Industry Marketing Authority Act, 1979, No. 208. Assented to, 24th December, 1979. Date of commencement of Sch. 4, Pt. 1, 1st July, 1980, sec. 2 (2) and Gazette No. 89 of 27th June, 1980, p. 3211. (12) Health Commission (Amendment) Act, 1980. No. 132. Assented to, 9th

December, 1980.

(13) Miscellaneous Acts (Retirement of Statutory Officers) Amendment Act, 1980, No. 187. Assented to, 17th December, 1980.

(14) Miscellaneous Acts (Financial Accommodation) Amendment Act. 1981, No. 83. Assented to, 9th June, 1981. A proclamation was published in Gazette No. 79 of 12th June, 1981, p. 3097, specifying 11th June, 1981, as the date of commencement of Sch. 1. The amendment directed to be made by that Schedule has been included in this reprint.

Constitution of the Health Commission of New South Wales.

4. (1) There is hereby constituted a corporation under the corporate name of the "Health Commission of New South Wales".

(2) The Commission—

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- (a) shall have and may exercise and perform the powers, authorities, duties and functions conferred or imposed upon it by or under this or any other Act;
- (b) shall, for the purposes of any Act, be deemed to be a statutory body representing the Crown; and
- (c) shall, in the exercise and performance of its powers, authorities, duties and functions (except in relation to the contents of a recommendation or report made by it to the Minister), be subject to the control and direction of the Minister.

Appointment of commissioners.

Am. 1975 No. 8, s. 3 (a); 1978 No. 110. Sch. 1 (1).

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5. (1) The Commission shall consist of five commissioners appointed by the Governor.

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

(3) For the purposes of section 11A of the Public Service Act, 1902, a member shall be deemed to be an officer within the meaning of that Act.

(4) At least two of the members shall be medical practitioners.

(5) A reference in this or any other Act or in any regulation, by-law or other statutory instrument or in any other document, whether of the same or of a different kind, to a member of the Commission shall be construed as a reference to a person appointed under this Act as a commissioner.

Chairman and Deputy Chairman.

§ Subst. 1978 No. 110, Sch. 1 (2).

- 6. Subject to section 8, of the members-
 - (a) one shall be appointed as the Chairman of the Commission; and
 - (b) one shall be appointed as the Deputy Chairman of the Commission,

whether by the same instrument as, or by a separate instrument from, the instrument by which they were respectively appointed as commissioners.

Provisions relating to members generally.

Am. 1976 No. 4, Sch. 5; 1978 No. 110, Schs. 1 (3), 2 (1).

7. (1) A member shall devote the whole of his time to the duties of his office.

- (1A) A member is entitled to be paid—
- (a) remuneration in accordance with the Statutory and Other Offices Remuneration Act, 1975; and
- (b) such travelling and subsistence allowances as the Minister may from time to time determine in respect of him.

(2) A member shall, subject to this Act, hold office as a member for such term not exceeding seven years as may be specified in the instrument of his appointment and shall, if otherwise qualified, be eligible for re-appointment from time to time.

(3) Any such re-appointment shall be for such term not exceeding seven years as may be specified in the instrument of re-appointment.

(4) On the occurrence of a vacancy in the office of a member otherwise than by the expiration of the term for which he was appointed, the Governor may appoint a person to hold office as a member for the balance, or for a part of the balance, of his predecessor's term of office, as may be specified in the instrument of appointment.

Health Commission.

(5) The Governor may appoint a person, other than a member, to act in the office of a member while that member is from time to time absent from that office through illness or any other cause or, in the case of the Deputy Chairman while he is, pursuant to section 8 (3), acting from time to time in the place of the Chairman, and the person so appointed shall while so acting be deemed to be a member and shall have the immunities, powers, authorities, duties and functions of the member in whose office he has been appointed to act.

(6) A person does not, by reason only of his being appointed under subsection (5) to act in the office of the member appointed as the Deputy Chairman, become the Deputy Chairman.

(7) A person who is of or above the age of sixty-five years shall not be appointed as a member or be appointed under subsection (5).

(8)

Provisions relating to Chairman and Deputy Chairman.

8. (1) If the Deputy Chairman is not a medical practitioner, a person who is not a medical practitioner shall not be appointed under section 6 as Chairman.

(2) If the Chairman is not a medical practitioner, a person who is not a medical practitioner shall not be appointed under section 6 as Deputy Chairman.

(3) In the case of the absence through illness or any other cause of the Chairman, the Deputy Chairman shall, if a person has not been appointed under section 7 (5) to act in the office of the Chairman, act in the place of the Chairman, and while so acting shall be deemed to be the Chairman and shall have the immunities, powers, authorities, duties and functions of the Chairman.

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Substitute member's right to act not examinable.

9. No person shall be concerned to enquire whether or not any occasion has arisen requiring or authorising the Deputy Chairman to act in the office of the Chairman or a person, appointed under section 7 (5), to act in the office of any member, and all acts or things done or omitted by the Deputy Chairman or that person while so acting shall be as valid and effectual and shall have the same consequences as if they had been done or omitted by the Chairman or the member in whose office the person, appointed under section 7 (5), was appointed to act.

Casual vacancy.

Am. 1976 No. 4, Sch. 5; 1978 No. 110, Sch. 2 (2); 1980 No. 187, Sch. 1.

10. (1) A member shall be deemed to have vacated his office-

- (a) if he dies;
- (b) if he engages in any paid employment outside the duties of his office;
- (c) if he absents himself from duty for a period exceeding fourteen consecutive days, except on leave granted by the Minister (which leave the Minister is hereby authorised to grant);
- (d) if he becomes a bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes any assignment of his remuneration or allowances as a member, or of his estate, for their benefit;
- (e) if he becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act;
- (f) if he is convicted in New South Wales of a felony or of a misdemeanour punishable by imprisonment for twelve months or upwards, or if he is convicted elsewhere than in New South Wales of an offence which if committed in New South Wales would be a felony or a misdemeanour so punishable;

- (g) if he resigns his office by writing under his hand addressed to the Governor and the Governor accepts the resignation;
- (h) if, at any meeting of the Commission at which he is present and at which any agreement or proposed agreement in which he has a direct or indirect pecuniary interest, or any other matter in which he has such an interest, is the subject of consideration or is included on the agenda for consideration—
 - (i) he fails, as soon as practicable after the commencement of the meeting, to disclose to the meeting his interest in; or
 - (ii) he takes part in the consideration or discussion of, or votes on any question with respect to,

the agreement, proposed agreement or other matter;

- (i) if—
 - (i) he has any direct or indirect pecuniary interest in any agreement with a hospital, within the meaning of the Public Hospitals Act, 1929, a private hospital or nursing home within the meaning of the Private Hospitals Act, 1908, or an authorised hospital within the meaning of the Mental Health Act, 1958, or in any other matter in which such a hospital, private hospital, nursing home or authorised hospital is concerned, other than an agreement for, or other matter relating to, the care or treatment of any person by the hospital, private hospital, nursing home or authorised hospital;
 - (ii) he is a member of the governing body of any such hospital, private hospital, nursing home or authorised hospital or holds any position concerned in the administration of any such hospital, private hospital, nursing home or authorised hospital other than his position as a member; or
 - (iii) by virtue of his office as a member, he accepts or acquires any personal profit or advantage other than under this or any other Act;

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- (j) if he is removed from office by the Governor;
- (k) on the day on which he attains the age of 65 years; or
- (1) if he is retired from office by the Governor.

(2) The Governor may, for any cause which to him seems sufficient, remove any member from office.

(2A) A member may be retired from office by the Governor after he attains the age of 60 years and before he attains the age of 65 years and, if he is so retired, he is entitled to such compensation (if any) as the Statutory and Other Offices Remuneration Tribunal determines.

(3) If—

- (a) a company has a direct or indirect pecuniary interest in any agreement or proposed agreement or in any other matter the subject of consideration at a meeting of the Commission; or
- (b) a company has a direct or indirect pecuniary interest in any agreement with a hospital, private hospital, nursing home or authorised hospital referred to in subsection (1)
 (i) or in any other matter in which a hospital, private hospital, nursing home or authorised hospital so referred to is concerned,

a member who-

- (c) is a member of the governing body of, or is a substantial shareholder within the meaning of section 69c of the Companies Act, 1961, in, that company shall, for the purposes of subsection (1) (h) and (i), be deemed to have a direct or indirect pecuniary interest in that agreement, proposed agreement or other matter; or
- (d) has a relevant interest, within the meaning of section 6A of that Act, in any share of the company shall for the purposes of subsection (1) (h) (i) be deemed to have a direct or indirect pecuniary interest in that agreement, proposed agreement or other matter.

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(4) A member who, at any time during the period commencing on the day appointed and notified under section 2 (b) and ending on the appointed day, is a member of The Hospitals Commission of New South Wales or the Board of Health or is an officer under the Public Service Act, 1902, shall not be deemed to have vacated his office as a member of the Commission by reason only of his engaging, during that period, in paid employment as a member of The Hospitals Commission of New South Wales or that Board, or as an officer under the Public Service Act, 1902, as the case may be.

Preservation of certain rights of members previously public servants, etc.

11. (1) In this section, "superannuation scheme" means a scheme, fund or arrangement under which any superannuation or retirement benefits are provided and which is established by or under any Act.

(2) Subject to subsection (3) and to the terms of his appointment, where a member was, immediately before his appointment as a member—

- (a) an officer of the Public Service; or
- (b) a contributor to a superannuation scheme;

he---

- (c) shall retain any rights accrued or accruing to him as such an officer or contributor;
- (d) may continue to contribute to any superannuation scheme to which he was a contributor immediately before his appointment as a member; and
- (e) shall be entitled to receive any deferred or extended leave and any payment, pension or gratuity,

as if he had continued to be such an officer or contributor during his service as a member, and—

(f) his service as a member shall be deemed to be service as an officer or employee for the purpose of any law under which those rights accrued or were accruing, under which he continues to contribute or by which that entitlement is conferred; and

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(g) he shall be deemed to be an officer or employee, and the Commission shall be deemed to be his employer, for the purpose of the superannuation scheme to which he is entitled to contribute under this subsection.

(3) A member who, but for this subsection, would be entitled under subsection (2) to contribute to a superannuation scheme or to receive any payment, pension or gratuity under that scheme shall not be so entitled upon his becoming (whether upon his appointment as a member or at any later time while he holds office as a member) a contributor to any other superannuation scheme, and the provisions of subsection (2) (g) cease to apply to or in respect of him and the Commission in any case where he becomes a contributor to such another superannuation scheme.

(4) Subsection (3) does not prevent the payment to a member upon his ceasing to be a contributor to a superannuation scheme of such amount as would have been payable to him if he had ceased, by reason of resignation, to be an officer or employee for the purposes of that scheme.

(5) A member shall not, in respect of the same period of service, be entitled to claim a benefit under this Act and another Act.

Member entitled to reappointment to Public Service in certain cases.

12. A member who was, immediately before his appointment as a member, an officer of the Public Service and who ceases to be a member, otherwise than pursuant to section 10 (1) (paragraph (g) excepted) or section 10 (2), shall, if he is under the age of sixty years, be entitled to be appointed to some office in the Public Service not lower in classification and salary than that which he held immediately before his appointment as a member.

Meetings of the Commission.

13. (1) The procedure for the calling of meetings of the Commission and for the conduct of business at those meetings shall, subject to this Act and the regulations, be as determined by the Commission.

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(2) The Chairman shall preside at all meetings of the Commission at which he is present and, if he is absent from any meeting and any person appointed under section 7 (5) to act in the office of the Chairman is also absent from that meeting, the Deputy Chairman shall preside at that meeting.

(3) In the absence from a meeting of the Chairman, or of any person appointed under section 7 (5) to act in the office of the Chairman and of the Deputy Chairman, a member chosen by the members present may preside at that meeting.

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

(5) In the event of an equality of votes at any meeting of the Commission, the person presiding at the meeting shall have, in addition to a deliberative vote, a second or casting vote.

(6) Subject to subsection (5), a decision of a majority of the members present at a meeting of the Commission at which a quorum is present shall be the decision of the Commission.

(7) The Commission shall cause a record of its decisions and full and accurate minutes of the proceedings at its meetings to be kept and shall submit to the Minister a copy of the minutes of each meeting within fourteen days after the day on which it was held.

(8) No matter or thing done, and no contract entered into, by the Commission, and no matter or thing done by any member or by any other person acting under the direction or as a delegate of the Commission shall, if the matter or thing was done, or the contract was entered into, bona fide for the purpose of executing this Act or any other Act conferring or imposing powers, authorities, duties or functions on the Commission, subject the member or person so acting personally to any action, liability, claim or demand.

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(9) Nothing in subsection (8) shall exempt any member or other person from liability to be surcharged with the amount of any payment which is disallowed by the Auditor-General, and which that member or other person authorised or joined in authorising.

Staff establishment of Commission and appointment of officers and employees.

Am. 1978 No. 110, Sch. 2 (3)

14. (1) Such officers and employees as may be necessary to enable the Commission to exercise and perform its powers, authorities, duties and functions under this or any other Act may be appointed and employed under and subject to the Public Service Act, 1902.

(2) A person who, immediately before the appointed day, held office under the Public Service Act, 1902, as an officer or employee in any office in the Department of Health or The Hospitals Commission of New South Wales shall be deemed, on that day, to have been appointed and, on and from that day, to be employed under subsection (1) and shall—

- (a) if there is an office in the staff establishment of the Commission that corresponds to the office which he held immediately before the appointed day, be deemed to have been appointed and to be employed in that corresponding office; or
- (b) if there is no such corresponding office, be deemed to have been appointed to such office in the staff establishment of the Commission as may have been determined by the Governor on the recommendation of the Public Service Board.

(3) An officer or employee holding office under this section is, in this Act and in any other Act conferring or imposing powers, authorities, duties or functions on the Commission, referred to as an officer or employee of, or as being employed by, the Commission.

(4) For the purpose of exercising and performing the powers, authorities, duties and functions conferred or imposed on the Commission by this or any other Act, the Commission may,

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with the approval of the Minister of the Department concerned and on such terms as may be arranged, make use of the services of any of the officers or employees of any Government Department.

(5) The Commission may for the like purpose, with the approval of any other public authority or hospital (within the meaning of the Public Hospitals Act, 1929) or council (within the meaning of the Local Government Act, 1919) make use of the services of any of the officers, servants or employees of that public authority, hospital or council, as the case may be.

Servants of Commission.

Ins. 1975 No. 8, s. 3 (c).

14A. (1) The Commission may appoint and employ such servants as may be necessary for the purpose of the supply of goods or substances, or of services, for one or more health services if the appointment and employment by the Commission of servants for that purpose is first approved by the Public Service Board appointed under the Public Service Act, 1902.

(2) A servant of the Commission shall, subject to the terms of his appointment, continue in the service of the Commission at the will of the Commission only.

(3) A servant of the Commission shall be subject to the sole control and governance of the Commission which may fix wages and conditions of employment where they are not fixed in accordance with the provisions of any other Act.

(4) The regulations may make provision for or with respect to—

- (a) the control and governance of servants by the Commission; and
- (b) any other matter or thing necessary or convenient to ensure the maintenance of discipline and efficiency in the service of the Commission of such servants or classes of servants as are appointed and employed under this section.

Superannuation of servants.

Ins. 1975 No. 8, s. 3 (c).

14B. The Local Government (Superannuation) Act, 1927, shall apply to and in respect of servants of the Commission appointed and employed under section 14A in the same way as if a proclamation made by the Governor in respect of those servants had been published in the Gazette under section 2 (4) (a) of the Local Government (Superannuation) Act, 1927.

Disclosure of information.

15. If a member or other person discloses any information obtained in connection with the administration or execution of this Act or of any other Act conferring or imposing responsibilities, powers, authorities, duties or functions on the Commission and that disclosure is not made—

- (a) with the consent of the person from whom the information was obtained;
- (b) in connection with the administration or execution of this Act or any such other Act;
- (c) for the purposes of any legal proceedings arising out of this Act or any such other Act or of any report of any such proceedings; or
- (d) with other lawful excuse,

that member or other person is guilty of an offence against this Act and, on conviction by a court of summary jurisdiction, liable to a penalty not exceeding \$1,000 or to imprisonment for a term not exceeding six months.

Dissolution of Hospitals Commission and Board of Health and abolition of Department of Health.

16. (1) In this section—

- "Hospitals Commission" means The Hospitals Commission of New South Wales constituted under the Public Hospitals Act, 1929;
- "Board" means the Board of Health constituted under the Public Health Act, 1902;

"Department" means the Department known as the Department of Health or the Department of Public Health.

(2) On the appointed day, the Hospitals Commission and the Board are hereby dissolved and the Department is hereby abolished.

- (3) On and from the appointed day—
- (a) all real and personal property and all right and interest therein and all management and control thereof that, immediately before that day, was vested in or belonged to the Hospitals Commission or the Board shall vest in and belong to the Commission;
- (b) all moneys and liquidated and unliquidated claims that, immediately before that day, were payable to or recoverable by the Hospitals Commission or the Board shall be moneys and liquidated and unliquidated claims payable to or recoverable by the Commission;
- (c) all proceedings commenced before that day by the Hospitals Commission or the Board and pending immediately before that day shall be deemed to be proceedings pending on that day by the Commission and all proceedings so commenced by any person against the Hospitals Commission or the Board and pending immediately before that day shall be deemed to be proceedings pending on that day by that person against the Commission;
- (d) all contracts, agreements, arrangements and undertakings entered into with, and all securities lawfully given to or by, the Hospitals Commission or the Board and in force immediately before that day shall be deemed to be contracts, agreements, arrangements and undertakings entered into with and securities given to or by the Commission;

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- (e) the Commission may, in addition to pursuing any other remedies or exercising any other powers that may be available to it, pursue the same remedies for the recovery of moneys and claims referred to in this subsection and for the prosecution of actions and proceedings so referred to as the Hospitals Commission or the Board might have done but for the enactment of this Act;
- (f) the Commission may enforce and realise any security or charge existing immediately before that day in favour of the Hospitals Commission or the Board and may exercise any powers thereby conferred on the Hospitals Commission or the Board as if the security or charge were a security or charge in favour of the Commission;
- (g) all debts, moneys and claims, liquidated and unliquidated, that, immediately before that day, were due or payable by, or recoverable against, the Hospitals Commission or the Board shall be debts due, moneys payable by and claims recoverable against, the Commission; and
- (h) all liquidated and unliquidated claims for which the Hospitals Commission or the Board would, but for the enactment of this Act, have been liable shall be liquidated and unliquidated claims for which the Commission shall be liable.

(4) On and from the appointed day, a reference in any other Act or in any regulation, by-law or other statutory instrument or in any other document, whether of the same or of a different kind—

- (a) to the Hospitals Commission or the Board or the Department shall be read and construed as a reference to the Commission;
- (b) to any officer of the Hospitals Commission, the Board or the Department shall be read and construed as a reference—
 - (i) if there is an office in the staff establishment of the Commission that corresponds to the office

held by that officer—to the person holding that office in the establishment of the Commission; or

(ii) if there is no such corresponding office, to such office in the staff establishment of the Commission as may be prescribed.

(5) Any act, matter or thing done or omitted to be done before the appointed day by, to or in respect of the Hospitals Commission, the Board, the Department or an officer of the Department shall, to the extent that but for the enactment of this Act that act, matter or thing would on or after that day have had any force or effect or been in operation, be deemed to have been done or omitted to be done by, to or in respect of the Commission or an officer of the Commission, whichever of them is, on or after that day, appropriate in relation to the doing or omission to do that act, matter or thing.

(6) No attornment to the Commission by a lessee from the Hospitals Commission or the Board shall be required.

17. * * Rep. 1978 No. 110, Sch. 2 (4).

Powers, authorities, duties and functions of Commission. Am. 1980 No. 132, s. 2.

18. (1) For the purpose of promoting, protecting, developing, maintaining and improving the health and well-being of the people of New South Wales to the maximum extent possible having regard to the needs of and resources available to the State, the Commission shall have and may exercise and perform the following powers, authorities, duties and functions :—

- (a) to initiate, promote, commission and undertake surveys and investigations into the health needs of the people of New South Wales, the resources of the State available to meet those needs and the methods by which those needs should be met;
- (b) to inquire into the nature, extent and standards of the health services, facilities and personnel required to meet the health needs of the people of New South Wales and to determine the cost of meeting those needs;

- (c) to plan the provision of comprehensive, balanced and co-ordinated health services throughout New South Wales;
- (d) to recommend to the Minister the programmes and methods by which the health needs of the people of New South Wales may be met;
- (e) to advise, report to and make recommendations to the Minister in respect of any matter relating to the health of the people of New South Wales;
- (f) to provide, conduct, operate and maintain and where necessary to improve and extend any health service or any ancillary or incidental service and to construct any buildings or works necessary for or in connection with any such service;
- (g) to enter into any agreement or arrangement for any other person to provide, conduct, operate and maintain any health service;
- (h) to undertake, promote and encourage research in relation to any health service;
- (i) to promote and facilitate the provision of health services by any council (within the meaning of the Local Government Act, 1919) or by any other body or person;
- (j) to promote and facilitate the provision by any Government Department, statutory authority, other body or person of social welfare services necessary or desirable to complement any health service;
- (k) to promote and facilitate the provision of the professional, technical or other education or training of any persons employed or to be employed in the provision of any health service;
- to promote and facilitate the raising of funds by means of public appeal or otherwise by any body, institution, association or person for the purpose of the provision of health services;
- (m) to promote and facilitate a system of health care for the people of New South Wales provided by private bodies, institutions, associations and persons, as well as by the Commission and other public bodies;

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- (ma) to undertake and facilitate the decontamination, or the removal and disposal, of land or premises contaminated by radioactivity and for those purposes to acquire, under section 19, any such land, or the land on which any such premises are situated; and
 - (n) to do such supplemental, incidental or consequential acts as may be necessary or expedient for the exercise and performance of its powers, authorities, duties and functions under the foregoing provisions of this subsection.

(2) Nothing in subsection (1) takes away or affects the responsibilities, powers, authorities, duties or functions conferred or imposed by or under any other Act or any regulation, ordinance or by-law made under any other Act and relating to the provision by any person of health services, social welfare services or other services.

(3) The Commission shall designate one of its members who shall be responsible for ensuring that proper regard is had to the interests of private bodies, institutions, associations and persons when the Commission exercises or performs any of its powers, authorities, duties or functions under this or any other Act.

Acquisition of land.

19. (1) The Commission may, for the purpose of exercising or performing its powers, authorities, duties or functions under this or any other Act, acquire land by purchase, lease or exchange or, in accordance with the provisions of this section, by way of resumption or appropriation.

(2) Without limiting the generality of subsection (1), the Commission may acquire in any manner authorised by subsection (1)—

- (a) any land of which that proposed to be acquired under this section forms part; and
- (b) any land adjoining or in the vicinity of any land proposed to be acquired under this section.

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(3) For the purpose of the acquisition, under subsection (1), by the Commission of land by resumption or appropriation, the Governor may, under the Public Works Act, 1912, resume any land or appropriate any land vested in Her Majesty or in any person in trust for Her Majesty.

(4) A resumption or appropriation effected in accordance with subsection (3) shall be deemed to be for an authorised work within the meaning of the Public Works Act, 1912, and the Commission shall, in relation to that authorised work, be deemed to be the Constructing Authority within the meaning of that Act.

(5) Sections 34, 35, 36 and 37 of the Public Works Act, 1912, do not apply to expenditure on any works constructed for the purposes of this Act, but section 38 of that Act applies to any such expenditure.

Power to accept gifts, etc.

Ins. 1976 No. 78, s. 2 (b).

19A. (1) The Commission has power to acquire, and shall be deemed always to have had power to acquire, for the purposes of exercising or performing any of its powers, authorities, duties and functions under this or any other Act, any property by gift inter vivos, devise or bequest and to agree to the condition of any such gift, devise or bequest.

(2) The rule of law against the remoteness of vesting shall not apply, and shall be deemed never to have applied, to any such condition to which the Commission has agreed.

Disposal of land.

Am. 1976 No. 78, s. 2 (c).

20. (1) The Commission may, with the approval of the Minister and subject to such terms and conditions as the Minister may attach to his approval, sell, lease, exchange or otherwise deal with or dispose of land that has been acquired by the Commission under this or any other Act, or any part thereof, and may with the like approval and subject to the like terms and conditions, grant easements or rights-of-way over any such land or any part thereof.

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(2) The Minister shall not approve of a sale or lease of, or dealing with, land, or of an exchange of land, acquired by the Commission where that sale or lease of, or dealing with or exchange of, land, as the case may be, would contravene a condition of a gift, devise or bequest to which the Commission has agreed.

Contracts.

21. (1) The Commission may make and enter into contracts or agreements with any person for the performance of services, or for the supply of goods, plant, machinery or material with respect to the exercise or performance by the Commission of its powers, authorities, duties and functions under this or any other Act.

(2) Any such contract or agreement shall be deemed, for the purposes of the Constitution Act, 1902, to be a contract or agreement for or on account of the Public Service of New South Wales.

(3) The Commission may, on such terms and conditions as may be agreed upon, sell or let out on hire any goods, plant, machinery or material acquired by it under this or any other Act.

21A. * * § Rep. 1981, No. 83, Sch. 1.

Delegation.

22. (1) The Commission may by instrument in writing delegate to the holder of any prescribed office the exercise or performance of such of the powers (other than this power of delegation), authorities, duties or functions conferred or imposed on the Commission by or under this or any other Act as may be specified in the instrument of delegation and may in like manner revoke wholly or in part any such delegation.

(2) A power, authority, duty or function, the exercise or performance of which has been delegated under this section may, while the delegation remains unrevoked, be exercised or performed from time to time in accordance with the terms of the delegation.

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(3) A delegation under this section—

- (a) may be made subject to such conditions or such limitations as to the exercise or performance of any of the powers, authorities, duties or functions delegated, or as to time or circumstances, as may be specified in the instrument of delegation; and
- (b) if made before the appointed day may be made with respect to powers, authorities, duties or functions that the Commission is or will, after that day, be empowered or required, by or under this or any other Act, to exercise or perform, but, in so far as it is made with respect to powers, authorities, duties or functions that the Commission will be empowered or required to exercise or perform after that day, shall not have any force or effect until that day.

(4) Notwithstanding any delegation made under this section, the Commission may continue to exercise or perform all or any of the powers, authorities, duties or functions delegated.

(5) Any act or thing done or suffered by a delegate while acting in the exercise of a delegation under this section shall have the same force or effect as if the act or thing done had been done or suffered by the Commission and shall be deemed to have been done or suffered by the Commission.

(6) This section does not authorise the delegation of the power of the Commission to conduct a hearing referred to in section 11B of the Public Hospitals Act, 1929.

Appointment of Health Advisory Council and other advisory bodies.

Am. 1977 No. 131, s. 2.

23. (1) The Minister shall appoint a Health Advisory Council and a Professional Services Advisory Council.

(2) A council appointed under subsection (1)-

(a) shall carry out investigations or inquiries into, and report or advise in respect of, such matters as the Minister may

from time to time direct or the Commission may from time to time request; and

(b) may carry out investigations or inquiries into, and report or advise in respect of, such matters as the council from time to time determines and the Minister may approve.

(3) For the purpose of any such investigation, inquiry, report or advice, the Commission shall provide all such information and assistance as may be available to the Commission and as the council may request of it.

(4) The Minister may appoint such other councils, committees and advisory bodies as he may consider appropriate.

(5) A council, committee or advisory body appointed under subsection (4) shall have such functions as the Minister or the Commission may from time to time direct.

(6) A council, committee or advisory body appointed under subsection (1) or (4) shall consist of a person appointed as chairman by the Minister and such other persons appointed by the Minister as he thinks fit.

(7) The chairman and other members so appointed shall hold office for such term as the Minister may specify in respect of each of them in the instruments of their appointment and any such appointment may be terminated by the Minister at any time.

(8) The chairman and any other member of a council, committee or advisory body appointed under subsection (1) or (4), if he is not a member of the Public Service, shall be paid such fees and allowances as may be from time to time determined by the Minister.

(9) The office of a member of a council, committee or advisory body appointed under subsection (1) or (4) shall, for the purposes of any Act, be deemed not to be an office or place of profit under the Crown.

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Accounts to be kept by Commission.

24. The Commission shall cause to be kept, in accordance with the directions, if any, given to it by the Treasurer, proper books of account relating to the assets and liabilities of the Commission and to the moneys received or expended by the Commission for the purpose of the exercise and performance of its powers, authorities, duties and functions under this or any other Act.

Audit.

25. (1) The accounts of the Commission shall be audited and reported upon by the Auditor-General who shall have, in respect thereof, all the powers conferred on him by any law for the time being in force relating to the audit of public accounts, and the Audit Act, 1902, shall apply to members of the Commission and to officers and employees employed in the administration of this Act and any other Act under which powers, authorities, duties or functions are conferred or imposed on the Commission in the same manner as it applies to accounting officers of public departments.

(2) The Auditor-General shall report to the Commission and the Minister—

(a) whether or not in his opinion-

- (i) due diligence and care have been shown in the collection and banking of moneys payable to the Commission;
- (ii) expenditure incurred has been duly authorised, vouched and supervised; and
- (iii) any of the moneys or other property of the Commission or over which it has control have been misappropriated or improperly or irregularly dealt with; and
- (b) as to any other matters which in his judgment call for special notice or which are prescribed.

Proof of certain matters not required.

Am. 1978 No. 110, Sch. 2 (5).

26. In any legal proceedings by or against the Commission no proof shall be required (until evidence is given to the contrary) of—

- (a) the constitution of the Commission;
- (b) any resolution of the Commission;
- (c) the appointment of any member or any officer, employee or servant of the Commission; or
- (d) the presence of a quorum at any meeting of the Commission.

2

Manner of serving certain documents on Commission.

27. Any notice, summons, writ or other proceeding required to be served on the Commission may be served by being left at an office of the Commission, or, in the case of a notice, by posting it addressed to the Commission at one of its offices.

Authentication of certain documents of Commission.

Am. 1978 No. 110, Sch. 2 (6).

28. Every summons, process, demand, order, notice, statement, direction or document requiring authentication by the Commission may be sufficiently authenticated without the seal of the Commission if signed by the secretary or by any officer, employee or servant authorised to do so by the Commission.

29. * * Rep. 1977 No. 19, Sch. 1.

Recovery of charges &c. by Commission.

30. Any charge, fee or money due to the Commission, or to the Crown, in respect of any of the activities of the Commission under the provisions of this or any other Act or any regulation or by-law may be recovered by the Commission as a debt in a court of competent jurisdiction.

Annual report.

31. (1) As soon as practicable after the thirtieth day of June in each year the Commission shall prepare and submit to the Minister a report of its work and activities for the twelve months preceding that date.

(2) The Minister shall lay that report or cause it to be laid before both Houses of Parliament as soon as practicable after the receipt by him of the report.

(3) A report under subsection (1) may include any report required to be made annually by the Commission under any other Act.

(4) In so far as a report under subsection (1) includes any matter that relates to a period in respect of which a report is required to be made annually by the Commission under any other Act, the provision of that other Act which requires the report to be made in respect of that period has no operation.

Regulations.

(a)

32. The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter which by this Act is required or permitted to be prescribed or which is necessary or convenient to be prescribed for the carrying out or giving effect to this Act.

Amendment of certain Acts.

Am. 1978 No. 110, Sch. 2 (7).

33. (1) Each Act specified in Column 1 of the Schedule is amended in the manner set forth opposite that Act in Column 2 of the Schedule.

(2) The amendments to—

- (b) the Public Health (Amendment) Act, 1944, so effected shall-
 - (i) in so far as they amend section 6 (1) (b), commence on the day on which section 6 (1)
 (b) commences; and

- (ii) in so far as they amend section 7 (1), commence on the day on which section 7 (1) commences; and
- (c) the Therapeutic Goods and Cosmetics Act, 1972, so effected shall, if that Act has not commenced on the appointed day, commence on the day on which that Act commences.

(3) The Broken Hill Abattoirs, Markets, and Cattle Saleyards Act does not, by reason of its being amended by subsection (1) and the Schedule, become a Public Act.

Savings.

34. (1) The continuity of any body constituted by or under any Act is not prejudiced or affected by the operation of section 16 (4) (b) or of section 33 and the Schedule and, where a member or an officer or employee of the Commission takes office as a member of any such body by reason of the operation of section 16 (4) (b) or of section 33 and the Schedule, he shall, subject to the provisions of the Act or the instrument (being an instrument made under an Act) under which the body is constituted, hold office in the place of his predecessor in that office and, if the appointment of his predecessor in that office was for a specified term, for the balance of that term unexpired on the appointed day.

(2) A member of The Hospitals Commission of New South Wales, who is a member of the Commission at any time during the period commencing on the day appointed and notified under section 2 (b) and ending on the appointed day, shall not be deemed to have vacated his office as a member of The Hospitals Commission of New South Wales by reason only of his engaging, during that period, in paid employment as a member of the Commission.

(3) The provisions of the Public Hospitals Act, 1929, or of the Public Service Act, 1902, do not prevent a member of The Hospitals Commission of New South Wales or an officer under the Public Service Act, 1902, who at any time during the period

Health Commission.

commencing on the day appointed and notified under section 2 (b) and ending on the appointed day, is a member of the Commission, from carrying out, during that period, the duties of his office as a member of the Commission.

Members of Hospitals Commission ceasing to hold office not entitled to compensation.

35. A person who, immediately before the appointed day, was a member of The Hospitals Commission of New South Wales and who ceases to be such a member by reason of the operation of any of the provisions of this Act is not entitled to be paid any remuneration or compensation by reason of his ceasing to be such a member.

Appointment of persons other than members or officers of the Commission to certain bodies.

Ins. 1975 No. 8, s. 3 (c).

36. (1) Where an Act, whether passed before or after the commencement of this section, provides for the appointment of a member from time to time nominated by the Commission, or an officer of the Commission from time to time so nominated, as a member of a body constituted under that Act, the Commission may, with the approval of the Minister, nominate a person who is not a member or officer of the Commission to be a member of that body and that person may be appointed as a member of that body.

(2) Where, under subsection (1), a person is appointed as a member of a body, that body shall, notwithstanding any provision of the Act under which the body is constituted, be deemed to be as fully and validly constituted as it would have been if that person had been a member or officer, as the case may be, of the Commission.

Am. 1975 No. 8, s. 3 (f); 1976 No. 63, Sch. 1; 1976 No. 95, Sch. 5; 1978 No. 54, Sch. 1; 1978 No. 110, Sch. 2 (8); 1979 No. 208, Sch. 4, Pt. 1.

SCHEDULE.

(Sec. 33.)

AMENDMENTS OF ACTS.

(The amending provisions relating to various Acts are not reprinted: Reprints Act, 1972, s. 6.)

NOTE.

Further historical information concerning certain provisions: Section 6—

Am. 1975 No. 8, s. 3 (b).

Section 21A-

Ins. 1975 No. 8, s. 3 (d).

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BY AUTHORITY D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1981 I certify that this PUBLIC BILL, which originated in the LEGISLA-TIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

> I. P. K. VIDLER, Clerk of the Legislative Assembly.

Legislative Assembly Chamber, Sydney, 15 November, 1972.

New South Wales



ANNO VICESIMO PRIMO ELIZABETHÆ II REGINÆ

Act No. 63, 1972.

An Act to constitute the Health Commission of New South Wales and to define its powers, authorities, duties and functions; to dissolve The Hospitals Commission of New South Wales and the Board of Health and to abolish the Department of Health; to amend the Public Health Act, 1902, the Public Hospitals Act, 1929, and certain other Acts; and for purposes connected therewith. [Assented to, 23rd November, 1972.]

BE

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

> L. A. PUNCH, Chairman of Committees of the Legislative Assembly.

Health Commission.

B^E 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 "Health Commission Act, 1972".

Commencement.

2. The provisions—

- (a) of section 1 and of this section shall commence upon the date of assent to this Act;
- (b) of sections 3 to 15 and of section 22 shall commence upon such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette;
- (c) of this Act, other than the provisions referred to in paragraphs (a), (b) and (d), shall commence upon such day, not being earlier than the day appointed and notified under paragraph (b), as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette; and
- (d) of section 33, in so far as they effect the amendments specified in Part 2 of the Schedule, and of Part 2 of the Schedule, shall commence upon such day, not being earlier than the day appointed and notified under paragraph (c), as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Health Commission.

3. In this Act, except in so far as the context or subject- Interprematter otherwise indicates or requires—

- "appointed day" means the day appointed and notified under section 2 (c);
- "Commission" means the Health Commission of New South Wales constituted under this Act;
- "health service" means any medical, hospital, ambulance, paramedical, community health or environmental health service or any other service relating to the maintenance or improvement of the health, or restoration to health, of persons or the prevention of disease in or injury to persons;

"member" means a member of the Commission;

"regulations" means regulations made under this Act.

4. (1) There is hereby constituted a corporation under Constituthe corporate name of the "Health Commission of New South tion of the Health Wales".

tion of the Health Commission of New South Wales.

(2) The Commission—

- (a) shall have and may exercise and perform the powers, authorities, duties and functions conferred or imposed upon it by or under this or any other Act;
- (b) shall, for the purposes of any Act, be deemed to be a statutory body representing the Crown; and
- (c) shall, in the exercise and performance of its powers, authorities, duties and functions (except in relation to the contents of a recommendation or report made by it to the Minister), be subject to the control and direction of the Minister.

Health Commission.

Appointment of members. 5. (1) The Commission shall consist of five members appointed by the Governor.

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

Members to be appointed to specified offices.

designated respectively as—
 (a) Chairman;

(b) Commissioner for Personal Health Services;

6. (1) The members shall be appointed to offices

- (c) Commissioner for Environmental and Special Health Services;
- (d) Commissioner for Manpower and Management Services; and
- (e) Commissioner for Finance and Physical Resources.

(2) A member other than the Chairman shall be appointed as the Deputy Chairman.

(3) A member shall not be appointed to an office referred to in subsection (1) (b) or (c) unless he is a medical practitioner.

Provisions relating to members generally. 7. (1) A member shall devote the whole of his time to the duties of his office and shall be paid such annual salary and allowances as the Governor may from time to time determine in respect of him.

(2) A member shall, subject to this Act, hold office as a member for such term not exceeding seven years as may be specified in the instrument of his appointment and shall, if otherwise qualified, be eligible for re-appointment from time to time.

(3) Any such re-appointment shall be for such term not exceeding seven years as may be specified in the instrument of re-appointment.

(4)

Health Commission.

(4) On the occurrence of a vacancy in the office of a member otherwise than by the expiration of the term for which he was appointed, the Governor may appoint a person to hold office as a member for the balance, or for a part of the balance, of his predecessor's term of office, as may be specified in the instrument of appointment.

(5) The Governor may appoint a person, other than a member, to act in the office, referred to in section 6 (1), of a member while that member is from time to time absent from that office through illness or any other cause or, in the case of the Deputy Chairman while he is, pursuant to section 8 (3), acting from time to time in the place of the Chairman, and the person so appointed shall while so acting be deemed to be a member and shall have the immunities, powers, authorities, duties and functions of the member in whose office he has been appointed to act.

(6) A person does not, by reason only of his being appointed under subsection (5) to act in the office, referred to in section 6 (1), of the Deputy Chairman, become the Deputy Chairman.

(7) A person who is of or above the age of sixty-five years shall not be appointed as a member or be appointed under subsection (5).

(8) Subsection (1) does not prevent a member of the Commission, who, at any time during the period commencing on the day appointed and notified under section 2 (b) and ending on the appointed day, is a member of The Hospitals Commission of New South Wales or the Board of Health or is an officer under the Public Service Act, 1902, from carrying out, during that period, the duties of his office as a member of The Hospitals Commission of New South Wales or that Board, or as such an officer, as the case may be.

8.

Health Commission.

Provisions relating to Chairman and Deputy Chairman. 8. (1) If the Deputy Chairman is not a medical practitioner, a person who is not a medical practitioner shall not be appointed under section 6 as Chairman.

(2) If the Chairman is not a medical practitioner, a person who is not a medical practitioner shall not be appointed under section 6 as Deputy Chairman.

(3) In the case of the absence through illness or any other cause of the Chairman, the Deputy Chairman shall, if a person has not been appointed under section 7 (5) to act in the office of the Chairman, act in the place of the Chairman, and while so acting shall be deemed to be the Chairman and shall have the immunities, powers, authorities, duties and functions of the Chairman.

Substitute member's right to act not examinable. 9. No person shall be concerned to enquire whether or not any occasion has arisen requiring or authorising the Deputy Chairman to act in the office of the Chairman or a person, appointed under section 7 (5), to act in the office of any member, and all acts or things done or omitted by the Deputy Chairman or that person while so acting shall be as valid and effectual and shall have the same consequences as if they had been done or omitted by the Chairman or the member in whose office the person, appointed under section 7 (5), was appointed to act.

Casual vacancy. 10. (1) A member shall be deemed to have vacated his office—

(a) if he dies;

- (b) if he engages in any paid employment outside the duties of his office;
- (c) if he absents himself from duty for a period exceeding fourteen consecutive days, except on leave granted by the Minister (which leave the Minister is hereby authorised to grant);

(d)

Health Commission.

- (d) if he becomes a bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes any assignment of his salary or allowances as a member, or of his estate, for their benefit;
- (e) if he becomes a temporary patient or a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention, under Part VII of that Act;
- (f) if he is convicted in New South Wales of a felony or of a misdemeanour punishable by imprisonment for twelve months or upwards, or if he is convicted elsewhere than in New South Wales of an offence which if committed in New South Wales would be a felony or a misdemeanour so punishable;
- (g) if he resigns his office by writing under his hand addressed to the Governor and the Governor accepts the resignation;
- (h) if, at any meeting of the Commission at which he is present and at which any agreement or proposed agreement in which he has a direct or indirect pecuniary interest, or any other matter in which he has such an interest, is the subject of consideration or is included on the agenda for consideration—
 - (i) he fails, as soon as practicable after the commencement of the meeting, to disclose to the meeting his interest in; or
 - (ii) he takes part in the consideration or discussion of, or votes on any question with respect to,

the agreement, proposed agreement or other matter;

- (i) if—
 - (i) he has any direct or indirect pecuniary interest in any agreement with a hospital, within the meaning of the Public Hospitals Act,

Act, 1929, a private hospital or nursing home within the meaning of the Private Hospitals Act, 1908, or an authorised hospital within the meaning of the Mental Health Act, 1958, or in any other matter in which such a hospital, private hospital, nursing home or authorised hospital is concerned, other than an agreement for, or other matter relating to, the care or treatment of any person by the hospital, private hospital, nursing home or authorised hospital;

- (ii) he is a member of the governing body of any such hospital, private hospital, nursing home or authorised hospital or holds any position concerned in the administration of any such hospital, private hospital, nursing home or authorised hospital other than his position as a member; or
- (iii) by virtue of his office as a member, he accepts or acquires any personal profit or advantage other than under this or any other Act;
- (i) if he is removed from office by the Governor; or
- (k) on the day on which he attains the age of sixty-five years.

(2) The Governor may, for any cause which to him seems sufficient, remove any member from office.

- (a) a company has a direct or indirect pecuniary interest in any agreement or proposed agreement or in any other matter the subject of consideration at a meeting of the Commission; or
- (b) a company has a direct or indirect pecuniary interest in any agreement with a hospital, private hospital, nursing home or authorised hospital referred to in subsection (1) (i) or in any other matter

⁽³⁾ If—

Health Commission.

matter in which a hospital, private hospital, nursing home or authorised hospital so referred to is concerned,

a member who---

- (c) is a member of the governing body of, or is a substantial shareholder within the meaning of section 69c of the Companies Act, 1961, in, that company shall, for the purposes of subsection (1)
 (h) and (i), be deemed to have a direct or indirect pecuniary interest in that agreement, proposed agreement or other matter; or
- (d) has a relevant interest, within the meaning of section 6A of that Act, in any share of the company shall for the purposes of subsection (1) (h) (i) be deemed to have a direct or indirect pecuniary interest in that agreement, proposed agreement or other matter.

(4) A member who, at any time during the period commencing on the day appointed and notified under section 2 (b) and ending on the appointed day, is a member of The Hospitals Commission of New South Wales or the Board of Health or is an officer under the Public Service Act, 1902, shall not be deemed to have vacated his office as a member of the Commission by reason only of his engaging, during that period, in paid employment as a member of The Hospitals Commission of New South Wales or that Board, or as an officer under the Public Service Act, 1902, as the case may be.

11. (1) In this section, "superannuation scheme" means Preservaa scheme, fund or arrangement under which any superannuation or retirement benefits are provided and which is rights of members previously

public

(2) Subject to subsection (3) and to the terms of servants, his appointment, where a member was, immediately before etc. his appointment as a member—

(a) an officer of the Public Service; or

(b)

Health Commission.

(b) a contributor to a superannuation scheme; he—

- (c) shall retain any rights accrued or accruing to him as such an officer or contributor;
- (d) may continue to contribute to any superannuation scheme to which he was a contributor immediately before his appointment as a member; and
- (e) shall be entitled to receive any deferred or extended leave and any payment, pension or gratuity,

as if he had continued to be such an officer or contributor during his service as a member, and—

- (f) his service as a member shall be deemed to be service as an officer or employee for the purpose of any law under which those rights accrued or were accruing, under which he continues to contribute or by which that entitlement is conferred; and
- (g) he shall be deemed to be an officer or employee, and the Commission shall be deemed to be his employer, for the purpose of the superannuation scheme to which he is entitled to contribute under this subsection.

(3) A member who, but for this subsection, would be entitled under subsection (2) to contribute to a superannuation scheme or to receive any payment, pension or gratuity under that scheme shall not be so entitled upon his becoming (whether upon his appointment as a member or at any later time while he holds office as a member) a contributor to any other superannuation scheme, and the provisions of subsection (2) (g) cease to apply to or in respect of him and the Commission in any case where he becomes a contributor to such another superannuation scheme.

(4) Subsection (3) does not prevent the payment to a member upon his ceasing to be a contributor to a superannuation scheme of such amount as would have been payable to him if he had ceased, by reason of resignation, to be an officer or employee for the purposes of that scheme.

(5) A member shall not, in respect of the same period of service, be entitled to claim a benefit under this Act and another Act.

12. A member who was, immediately before his appointment as a member, an officer of the Public Service and who to receases to be a member, otherwise than pursuant to section appointment 10 (1) (paragraph (g) excepted) or section 10 (2), shall, if he is under the age of sixty years, be entitled to be appointed to some office in the Public Service not lower in classification and salary than that which he held immediately before his appointment as a member.

13. (1) The procedure for the calling of meetings of the Meetings Commission and for the conduct of business at those meetings of the Shall, subject to this Act and the regulations, be as determined by the Commission.

(2) The Chairman shall preside at all meetings of the Commission at which he is present and, if he is absent from any meeting and any person appointed under section 7 (5) to act in the office of the Chairman is also absent from that meeting, the Deputy Chairman shall preside at that meeting.

(3) In the absence from a meeting of the Chairman, of any person appointed under section 7 (5) to act in the office of the Chairman and of the Deputy Chairman, a member chosen by the members present may preside at that meeting.

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

(5) In the event of an equality of votes at any meeting of the Commission, the person presiding at the meeting shall have, in addition to a deliberative vote, a second or casting vote.

Meetings

(6)

(6) Subject to subsection (5), a decision of a majority of the members present at a meeting of the Commission at which a quorum is present shall be the decision of the Commission.

(7) The Commission shall cause a record of its decisions and full and accurate minutes of the proceedings at its meetings to be kept and shall submit to the Minister a copy of the minutes of each meeting within fourteen days after the day on which it was held.

(8) No matter or thing done, and no contract entered into, by the Commission, and no matter or thing done by any member or by any other person acting under the direction or as a delegate of the Commission shall, if the matter or thing was done, or the contract was entered into, bona fide for the purpose of executing this Act or any other Act conferring or imposing powers, authorities, duties or functions on the Commission, subject the member or person so acting personally to any action, liability, claim or demand.

(9) Nothing in subsection (8) shall exempt any member or other person from liability to be surcharged with the amount of any payment which is disallowed by the Auditor-General, and which that member or other person authorised or joined in authorising.

Staff establishment of Commission and appointment of officers and employees. 14. (1) The Governor may appoint and employ, under and subject to the Public Service Act, 1902, such officers and employees as may be necessary to enable the Commission to exercise and perform its powers, authorities, duties and functions under this or any other Act, and any such officer or employee shall take office on such day (which may be the appointed day or a day before or after the appointed day,

but

but may not be before the day appointed and notified under section 2 (b)) as may be specified in the instrument of his appointment.

(2) A person who, immediately before the appointed day, held office under the Public Service Act, 1902, as an officer or employee in any office in the Department of Health or The Hospitals Commission of New South Wales shall be deemed, on that day, to have been appointed and, on and from that day, to be employed under subsection (1) and shall—

- (a) if there is an office in the staff establishment of the Commission that corresponds to the office which he held immediately before the appointed day, be deemed to have been appointed and to be employed in that corresponding office; or
- (b) if there is no such corresponding office, be deemed to have been appointed to such office in the staff establishment of the Commission as may have been determined by the Governor on the recommendation of the Public Service Board.

(3) An officer or employee holding office under this section is, in this Act and in any other Act conferring or imposing powers, authorities, duties or functions on the Commission, referred to as an officer or employee of, or as being employed by, the Commission.

(4) For the purpose of exercising and performing the powers, authorities, duties and functions conferred or imposed on the Commission by this or any other Act, the Commission may, with the approval of the Minister of the Department concerned and on such terms as may be arranged, make use of the services of any of the officers or employees of any Government Department.

(5) The Commission may for the like purpose, with the approval of any other public authority or hospital (within the meaning of the Public Hospitals Act, 1929) or council (within the meaning of the Local Government Act, 1919) make

Health Commission.

make use of the services of any of the officers, servants or employees of that public authority, hospital or council, as the case may be

Disclosure of information. 15. If a member or other person discloses any information obtained in connection with the administration or execution of this Act or of any other Act conferring or imposing responsibilities, powers, authorities, duties or functions on the Commission and that disclosure is not made—

- (a) with the consent of the person from whom the information was obtained;
- (b) in connection with the administration or execution of this Act or any such other Act;
- (c) for the purposes of any legal proceedings arising out of this Act or any such other Act or of any report of any such proceedings; or
- (d) with other lawful excuse,

that member or other person is guilty of an offence against this Act and, on conviction by a court of summary jurisdiction, liable to a penalty not exceeding \$1,000 or to imprisonment for a term not exceeding six months.

16. (1) In this section—

- "Hospitals Commission" means The Hospitals Commission of New South Wales constituted under the Public Hospitals Act, 1929;
- "Board" means the Board of Health constituted under the Public Health Act, 1902;
- "Department" means the Department known as the Department of Health or the Department of Public Health.

(2) On the appointed day, the Hospitals Commission and the Board are hereby dissolved and the Department is hereby abolished.

- (3) On and from the appointed day—
- (a) all real and personal property and all right and interest therein and all management and control thereof that, immediately before that day, was vested

Dissolution of Hospitals Commission and Board of Health and abolition of Department of Health.

vested in or belonged to the Hospitals Commission or the Board shall vest in and belong to the Commission;

- (b) all moneys and liquidated and unliquidated claims that, immediately before that day, were payable to or recoverable by the Hospitals Commission or the Board shall be moneys and liquidated and unliquidated claims payable to or recoverable by the Commission;
- (c) all proceedings commenced before that day by the Hospitals Commission or the Board and pending immediately before that day shall be deemed to be proceedings pending on that day by the Commission and all proceedings so commenced by any person against the Hospitals Commission or the Board and pending immediately before that day shall be deemed to be proceedings pending on that day by that person against the Commission;
- (d) all contracts, agreements, arrangements and undertakings entered into with, and all securities lawfully given to or by, the Hospitals Commission or the Board and in force immediately before that day shall be deemed to be contracts, agreements, arrangements and undertakings entered into with and securities given to or by the Commission;
- (e) the Commission may, in addition to pursuing any other remedies or exercising any other powers that may be available to it, pursue the same remedies for the recovery of moneys and claims referred to in this subsection and for the prosecution of actions and proceedings so referred to as the Hospitals Commission or the Board might have done but for the enactment of this Act;
- (f) the Commission may enforce and realise any security or charge existing immediately before that day in favour of the Hospitals Commission or the Board and may exercise any powers thereby conferred on

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the Hospitals Commission or the Board as if the security or charge were a security or charge in favour of the Commission;

- (g) all debts, moneys and claims, liquidated and unliquidated, that, immediately before that day, were due or payable by, or recoverable against, the Hospitals Commission or the Board shall be debts due, moneys payable by and claims recoverable against, the Commission; and
- (h) all liquidated and unliquidated claims for which the Hospitals Commission or the Board would, but for the enactment of this Act, have been liable shall be liquidated and unliquidated claims for which the Commission shall be liable.

(4) On and from the appointed day, a reference in any other Act or in any regulation, by-law or other statutory instrument or in any other document, whether of the same or of a different kind—

- (a) to the Hospitals Commission or the Board or the Department shall be read and construed as a reference to the Commission;
- (b) to any officer of the Hospitals Commission, the Board or the Department shall be read and construed as a reference—
 - (i) if there is an office in the staff establishment of the Commission that corresponds to the office held by that officer—to the person holding that office in the establishment of the Commission; or
 - (ii) if there is no such corresponding office, to such office in the staff establishment of the Commission as may be prescribed.

(5) Any act, matter or thing done or omitted to be done before the appointed day by, to or in respect of the Hospitals Commission, the Board, the Department or an officer of the Department shall, to the extent that but for the

enactment

Health Commission.

enactment of this Act that act, matter or thing would on or after that day have had any force or effect or been in operation, be deemed to have been done or omitted to be done by, to or in respect of the Commission or an officer of the Commission, whichever of them is, on or after that day, appropriate in relation to the doing or omission to do that act, matter or thing.

(6) No attornment to the Commission by a lessee from the Hospitals Commission or the Board shall be required.

17. The sums authorised by the Appropriation Act, 1972, Unexpended to be appropriated out of the Consolidated Revenue Fund funds and to be issued and applied for or towards the sub-headings for Minister of expenditure under the heading "Minister for Health" and of Health that would but for this Act have been available for expendi- available for ture in connection with the functions of the Department of Commission. Health or the Hospitals Commission of New South Wales shall be deemed, to the extent that, at the appointed day, they have not been so issued or applied, to be sums authorised by that Act to be appropriated out of that Fund and to be issued and applied for or towards the corresponding subheadings of expenditure in connection with the functions of the Commission.

18. (1) For the purpose of promoting, protecting, powers, developing, maintaining and improving the health and well- authorities, duties and being of the people of New South Wales to the maximum duties and functions of extent possible having regard to the needs of and resources Commission. available to the State, the Commission shall have and may exercise and perform the following powers, authorities, duties and functions :---

(a) to initiate, promote, commission and undertake surveys and investigations into the health needs of the people of New South Wales, the resources of the State available to meet those needs and the methods by which those needs should be met;

17

(b)

- (b) to inquire into the nature, extent and standards of the health services, facilities and personnel required to meet the health needs of the people of New South Wales and to determine the cost of meeting those needs;
- (c) to plan the provision of comprehensive, balanced and co-ordinated health services throughout New South Wales;
- (d) to recommend to the Minister the programmes and methods by which the health needs of the people of New South Wales may be met;
- (e) to advise, report to and make recommendations to the Minister in respect of any matter relating to the health of the people of New South Wales;
- (f) to provide, conduct, operate and maintain and where necessary to improve and extend any health service or any ancillary or incidental service and to construct any buildings or works necessary for or in connection with any such service;
- (g) to enter into any agreement or arrangement for any other person to provide, conduct, operate and maintain any health service;
- (h) to undertake, promote and encourage research in relation to any health service;
- (i) to promote and facilitate the provision of health services by any council (within the meaning of the Local Government Act, 1919) or by any other body or person;
- (j) to promote and facilitate the provision by any Government Department, statutory authority, other body or person of social welfare services necessary or desirable to complement any health service;

(k)

- (k) to promote and facilitate the provision of the professional, technical or other education or training of any persons employed or to be employed in the provision of any health service;
 - to promote and facilitate the raising of funds by means of public appeal or otherwise by any body, institution, association or person for the purpose of the provision of health services;
- (m) to promote and facilitate a system of health care for the people of New South Wales provided by private bodies, institutions, associations and persons, as well as by the Commission and other public bodies; and
- (n) to do such supplemental, incidental or consequential acts as may be necessary or expedient for the exercise and performance of its powers, authorities, duties and functions under the foregoing provisions of this subsection.

(2) Nothing in subsection (1) takes away or affects the responsibilities, powers, authorities, duties or functions conferred or imposed by or under any other Act or any regulation, ordinance or by-law made under any other Act and relating to the provision by any person of health services, social welfare services or other services.

(3) The Commission shall designate one of its members who shall be responsible for ensuring that proper regard is had to the interests of private bodies, institutions, associations and persons when the Commission exercises or performs any of its powers, authorities, duties or functions under this or any other Act.

19. (1) The Commission may, for the purpose of exer- Acquisition cising or performing its powers, authorities, duties or func- of land. tions under this or any other Act, acquire land by purchase, lease or exchange or, in accordance with the provisions of this section, by way of resumption or appropriation.

(2)

(2) Without limiting the generality of subsection (1), the Commission may acquire in any manner authorised by subsection (1)—

- (a) any land of which that proposed to be acquired under this section forms part; and
- (b) any land adjoining or in the vicinity of any land proposed to be acquired under this section.

(3) For the purpose of the acquisition, under subsection (1), by the Commission of land by resumption or appropriation, the Governor may, under the Public Works Act, 1912, resume any land or appropriate any land vested in Her Majesty or in any person in trust for Her Majesty.

(4) A resumption or appropriation effected in accordance with subsection (3) shall be deemed to be for an authorised work within the meaning of the Public Works Act, 1912, and the Commission shall, in relation to that authorised work, be deemed to be the Constructing Authority within the meaning of that Act.

(5) Sections 34, 35, 36 and 37 of the Public Works Act, 1912, do not apply to expenditure on any works constructed for the purposes of this Act, but section 38 of that Act applies to any such expenditure.

Disposal of land.

20. The Commission may, with the approval of the Minister and subject to such terms and conditions as the Minister may attach to his approval, sell, lease, exchange or otherwise deal with or dispose of land that has been acquired by the Commission under this Act, or any part thereof, and may with the like approval and subject to the like terms and conditions, grant easements or rights-of-way over any such land or any part thereof.

Contracts.

21. (1) The Commission may make and enter into contracts or agreements with any person for the performance of services, or for the supply of goods, plant, machinery or material with respect to the exercise or performance by the Commission of its powers, authorities, duties and functions under this or any other Act.

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(2)

Health Commission.

(2) Any such contract or agreement shall be deemed, for the purposes of the Constitution Act, 1902, to be a contract or agreement for or on account of the Public Service of New South Wales.

(3) The Commission may, on such terms and conditions as may be agreed upon, sell or let out on hire any goods, plant, machinery or material acquired by it under this or any other Act.

22. (1) The Commission may by instrument in writing Delegation. delegate to the holder of any prescribed office the exercise or performance of such of the powers (other than this power of delegation), authorities, duties or functions conferred or imposed on the Commission by or under this or any other Act as may be specified in the instrument of delegation and may in like manner revoke wholly or in part any such delegation.

(2) A power, authority, duty or function, the exercise or performance of which has been delegated under this section may, while the delegation remains unrevoked, be exercised or performed from time to time in accordance with the terms of the delegation.

(3) A delegation under this section—

- (a) may be made subject to such conditions or such limitations as to the exercise or performance of any of the powers, authorities, duties or functions delegated, or as to time or circumstances, as may be specified in the instrument of delegation; and
- (b) if made before the appointed day may be made with respect to powers, authorities, duties or functions that the Commission is or will, after that day, be empowered or required, by or under this or any other Act, to exercise or perform, but, in so far as it is made with respect to powers, authorities, duties or functions that the Commission will be empowered or required to exercise or perform after that day, shall not have any force or effect until that day.

(4)

(4) Notwithstanding any delegation made under this section, the Commission may continue to exercise or perform all or any of the powers, authorities, duties or functions delegated.

(5) Any act or thing done or suffered by a delegate while acting in the exercise of a delegation under this section shall have the same force or effect as if the act or thing done had been done or suffered by the Commission and shall be deemed to have been done or suffered by the Commission.

(6) This section does not authorise the delegation of the power of the Commission to conduct a hearing referred to in section 11B of the Public Hospitals Act, 1929.

Appointment of Health Advisory Council and other advisory bodies.

23. (1) The Minister shall appoint a Health Advisory Council and a Professional Services Advisory Council.

(2) A council appointed under subsection (1)—

- (a) shall carry out investigations or inquiries into, and report or advise in respect of, such matters as the Minister may from time to time direct or the Commission may from time to time request; and
- (b) may carry out investigations or inquiries into, and report or advise in respect of, such matters as the council from time to time determines and the Minister may approve.

(3) For the purpose of any such investigation, inquiry, report or advice, the Commission shall provide all such information and assistance as may be available to the Commission and as the council may request of it.

(4) The Minister may appoint such other councils, committees and advisory bodies as he may consider appropriate.

(5) A council, committee or advisory body appointed under subsection (4) shall have such functions as the Minister or the Commission may from time to time direct.

(6)

Health Commission.

(6) A council, committee or advisory body appointed under subsection (1) or (4) shall consist of a person appointed as chairman by the Minister and such other persons appointed by the Minister as he thinks fit.

(7) The chairman and other members so appointed shall hold office for such term as the Minister may specify in respect of each of them in the instruments of their appointment and any such appointment may be terminated by the Minister at any time.

(8) The chairman and any other member of a council, committee or advisory body appointed under subsection (1) or (4), if he is not a member of the Public Service, shall be paid such fees and allowances as may be from time to time determined by the Minister.

24. The Commission shall cause to be kept, in accord- Accounts to ance with the directions, if any, given to it by the Treasurer, Commission. proper books of account relating to the assets and liabilities of the Commission and to the moneys received or expended by the Commission for the purpose of the exercise and performance of its powers, authorities, duties and functions under this or any other Act.

25. (1) The accounts of the Commission shall be Audit. audited and reported upon by the Auditor-General who shall have, in respect thereof, all the powers conferred on him by any law for the time being in force relating to the audit of public accounts, and the Audit Act, 1902, shall apply to members of the Commission and to officers and employees employed in the administration of this Act and any other Act under which powers, authorities, duties or functions are conferred or imposed on the Commission in the same manner as it applies to accounting officers of public departments.

(2) The Auditor-General shall report to the Commission and the Minister-

(a) whether or not in his opinion-

(i) due diligence and care have been shown in the collection and banking of moneys payable to the Commission;

(ii)

be kept by

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Health Commission.

- (ii) expenditure incurred has been duly authorised, vouched and supervised; and
- (iii) any of the moneys or other property of the Commission or over which it has control have been misappropriated or improperly or irregularly dealt with; and
- (b) as to any other matters which in his judgment call for special notice or which are prescribed.

Proof of certain matters not required.

26. In any legal proceedings by or against the Commission no proof shall be required (until evidence is given to the contrary) of—

- (a) the constitution of the Commission;
- (b) any resolution of the Commission;
- (c) the appointment of any member or any officer or employee of the Commission; or
- (d) the presence of a quorum at any meeting of the Commission.

Manner of serving certain documents on Commission.

f 27. Any notice, summons, writ or other proceeding required to be served on the Commission may be served by being left at an office of the Commission, or, in the case ion. of a notice, by posting it addressed to the Commission at one of its offices.

Authentication of certain documents of Commission.

28. Every summons, process, demand, order, notice, statement, direction or document requiring authentication by the Commission may be sufficiently authenticated without the seal of the Commission if signed by the Secretary or by any other officer or employee authorised to do so by the Commission.

Notice of action.

29. (1) Proceedings in respect of any damage or injury to a person or to property shall not be commenced against the Commission or any member, officer or employee of the Commission or any person acting in its or his aid for anything done

Health Commission.

done or intended to be done or omitted to be done under this or any other Act, until the expiration of one month after notice in writing has been served on the Commission, member, officer, employee or person as provided in this section.

- (2) The notice shall state-
- (a) the cause of action;
- (b) the time and place at which the damage or injury was sustained; and
- (c) the name and place of abode or business of the intended plaintiff and of his attorney, if any, in the case.

(3) In the case of damage to property, any person who produces on demand his authority from the Commission shall be permitted to inspect the property damaged, and all facilities and information necessary to ascertain fully the value of the property damaged and the amount of money, if any, expended in repairing the damage shall be given to him.

(4) At the trial of any such action the plaintiff shall not be permitted to go into evidence of any cause of action that is not stated in the notice, and unless the notice has been served the plaintiff shall not be entitled to maintain the action, but at any stage of the proceedings the court in which the action is pending may, if the court deems it to be just or reasonable in the circumstances so to do—

- (a) amend any defect in the notice on such terms and conditions, if any, as the court may fix; or
- (b) direct that any non-compliance or insufficient compliance with this section shall not be a bar to the maintenance of the action.

(5) Every such action shall be commenced within the period (in this section referred to as the "prescribed period") of twelve months next after the cause of action arises but, where an application is made to the Supreme Court

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for an extension of the prescribed period, that court may, if it is satisfied that sufficient cause has been shown or that, having regard to all the circumstances of the case, it would be reasonable so to do, make an order for extension of the prescribed period for such further period and subject to such terms and conditions, if any, as may be set out in the order.

(6) Any such application for extension may be made either within the prescribed period or at any time within twelve months thereafter.

(7) The Commission or any member, officer, employee or person to whom any such notice of action is given, may tender amends to the plaintiff, his attorney or agent at any time within one month after service of notice of action, and if the tender is not accepted may plead the tender as a defence to the action.

(8) This section is in aid and not in derogation of the provisions of any other Act conferring or imposing powers, authorities, duties or functions on the Commission.

Recovery of charges &c. by Commission.

30. Any charge, fee or money due to the Commission, or to the Crown, in respect of any of the activities of the Commission under the provisions of this or any other Act or any regulation or by-law may be recovered by the Commission as a debt in a court of competent jurisdiction.

Annual report.

31. (1) As soon as practicable after the thirtieth day of June in each year the Commission shall prepare and submit to the Minister a report of its work and activities for the twelve months preceding that date.

(2) The Minister shall lay that report or cause it to be laid before both Houses of Parliament as soon as practicable after the receipt by him of the report.

(3) A report under subsection (1) may include any report required to be made annually by the Commission under any other Act.

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(4)

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(4) In so far as a report under subsection (1) includes any matter that relates to a period in respect of which a report is required to be made annually by the Commission under any other Act, the provision of that other Act which requires the report to be made in respect of that period has no operation.

32. The Governor may make regulations, not inconsis- Regulations. tent with this Act, for or with respect to any matter which by this Act is required or permitted to be prescribed or which is necessary or convenient to be prescribed for the carrying out or giving effect to this Act.

33. (1) Each Act specified in Column 1 of the Schedule Amendment is amended in the manner set forth opposite that Act in $\frac{\text{of certain}}{\text{Acts.}}$ Column 2 of the Schedule.

(2) The amendments to—

- (a) the Noxious Trades (Amendment) Act, 1957, effected by this section and the Schedule shall commence on the day on which that Act commences;
- (b) the Public Health (Amendment) Act, 1944, so effected shall—
 - (i) in so far as they amend section 6 (1) (b), commence on the day on which section 6 (1) (b) commences; and
 - (ii) in so far as they amend section 7 (1), commence on the day on which section 7 (1) commences; and
- (c) the Therapeutic Goods and Cosmetics Act, 1972, so effected shall, if that Act has not commenced on the appointed day, commence on the day on which that Act commences.

(3) The Broken Hill Abattoirs, Markets, and Cattle Sale-yards Act does not, by reason of its being amended by subsection (1) and the Schedule, become a Public Act.

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Savings.

34. (1) The continuity of any body constituted by or under any Act is not prejudiced or affected by the operation of section 16 (4) (b) or of section 33 and the Schedule and, where a member or an officer or employee of the Commission takes office as a member of any such body by reason of the operation of section 16 (4) (b) or of section 33 and the Schedule, he shall, subject to the provisions of the Act or the instrument (being an instrument made under an Act) under which the body is constituted, hold office in the place of his predecessor in that office was for a specified term, for the balance of that term unexpired on the appointed day.

(2) A member of The Hospitals Commission of New South Wales, who is a member of the Commission at any time during the period commencing on the day appointed and notified under section 2 (b) and ending on the appointed day, shall not be deemed to have vacated his office as a member of The Hospitals Commission of New South Wales by reason only of his engaging, during that period, in paid employment as a member of the Commission.

(3) The provisions of the Public Hospitals Act, 1929, or of the Public Service Act, 1902, do not prevent a member of The Hospitals Commission of New South Wales or an officer under the Public Service Act, 1902, who at any time during the period commencing on the day appointed and notified under section 2 (b) and ending on the appointed day, is a member of the Commission, from carrying out, during that period, the duties of his office as a member of the Commission.

Members of Hospitals Commission ceasing to hold office not entitled to compensation.

35. A person who, immediately before the appointed day, was a member of The Hospitals Commission of New South Wales and who ceases to be such a member by reason of the operation of any of the provisions of this Act is not entitled to be paid any remuneration or compensation by reason of his ceasing to be such a member.

Health Commission.

SCHEDULE.

Sec. 33.

AMENDMENTS OF ACTS.

PART 1.

| Private Broke Man Cati yard | ort title Act. en Hill tttoirs, rkets, and tle Sale- ls Act | Amendment. Section 13— (a) Omit "Board of Health", insert instead "Health Commission of New South Wales"; (b) Omit "that Board", insert instead "that Commission". |
|--|---|--|
| Aba Mar Cati yarc 1961, No. 69 Clear | ttoirs, rkets, and tle Sale- ls Act | (a) Omit "Board of Health", insert instead "Health Commission of New South Wales"; (b) Omit "that Board", insert instead "that |
| | A A | Commission . |
| | | Section 5 (1)— (a) From the definition of "Authorised officer" omit "Under Secretary" wherever occurring, insert instead "Commission"; (b) Insert next after the definition of "Chimney" the following new definition:— |
| | | Omit the paragraph, insert instead the following paragraph:— (a) a member of the Commission from time to time nominated by the Commission or an officer of the Commission from time to time so nominated; and. Sections 6 (2) (b) (i); 11 (2); 22; 29— Omit "Department" wherever occurring |
| | | Omit "Department wherever occurring insert instead "Commission". Sections 8 (2); 11; 12; 13 (3); 16; 17 20 (3); 23; 26 (1) (a); 32 (1) (c)— Omit "Under Secretary" wherever occurring, insert instead "Commission". |

Health Commission.

SCHEDULE—continued.

| Column 1. | | Column 2. |
|---|--|---|
| Year and number of Act. | Short title of Act. | Amendment. |
| 1961, No. 69 —continued | Clean Air Act, 1961—con- tinued | Sections 16 (6); 17 (3)— Omit "his" wherever occurring, insert "its". Section 23— (a) Omit "him or"; (b) Omit "he or". Section 30— |
| Antonia Strends Strend | notiatab odi br. S. Lin S. S. S | (a) Omit "the Under Secretary or any prescribed officer", insert instead "a member of the Commission or by an officer of the Commission authorised generally or specially by the Commission to do so"; (b) After "character" insert "or authority". |
| 1970, No. 78 | Clean Waters Act, 1970 | Sections 3; 8 (2); 11; 12; 14 (3); 16 (4); 19; 20; 22; 23; 25; 27 (1); 28; 31; 32 (3) (j); 36 (1)— Omit "Under Secretary" wherever occur- ring, insert instead "Commission". Section 5— |
| | | (a) From the definition of "authorised officer" omit "Under Secretary", insert instead "Commission"; (b) From the definition of "classified waters" omit "Under Secretary", insert instead "Commission"; (c) Insert next after the definition of "classified waters" the following new definition:— "Commission" means the Health Commission of New South Wales constituted under the Health Commission Act, 1972; (d) Omit the definitions of "Department" and "Under Secretary". |

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Health Commission.

SCHEDULE—continued.

| Column 1. | | Column 2. | |
|--|--|--|--|
| Year and number of Act. | Short title of Act. | Amendment. | |
| 1970, No. 78 —continued | Clean Waters Act, 1970 — continued | Section 6 (2) (a)— Omit the paragraph, insert instead the following paragraph:— (a) a member of the Commission from time to time nominated by the Commission or an officer of the Commission from time to time so nominated; and. | |
| | | Section 12 Omit "he", insert instead "it". | |
| tigen in de la solution de la solution de la solution de la solution de la solution de la solution de la solution traction de la solution traction de la solution traction de la solution de la solution de la solution traction de la solution tracti | | Section 13 (2)— Omit "Under Secretary who", insert instead "Commission which". Section 14 (3)— Omit "he", insert instead "it". | |
| | | Section 20— (a) Omit from subsection (4) (a) "he", insert instead "it"; (b) Omit from subsection (5) "his", insert instead "its"; (c) Omit from subsection (6) "his" where firstly occurring, insert instead "its"; (d) Omit from subsection (7) "Under Secretary's", insert instead "Commission's". | |
| | а. Т. | Section 25 (5)— (a) Omit "he", insert instead "it"; (b) Omit "his", insert instead "its". Section 28 (1)— (a) Omit "him", insert instead "it"; (b) Omit "he", insert instead "it". | |

Health Commission.

SCHEDULE—continued.

| Column 1. | | Column 2. | |
|-------------------------------|---|--|--|
| Year and number of Act. | Short title of Act. | Amendment. | |
| 1970, No. 78 —continued | Clean Waters Act, 1970— continued | Section 32— (a) Omit from subsection (1) "the Under Secretary", insert instead "a member of the Commission, an officer of the Commission authorised generally or specially by the Commission to do so"; (b) Omit from subsection (2) "the Under Secretary or"; (c) Omit from subsection (3) "the Under Secretary" where firstly occurring, insert instead "a member of the Commission or by an officer of the Commission to do so"; (d) Omit from subsection (4) (a) "the Under Secretary", insert instead "a member of the Commission or by the Commission to do so"; | |
| 1919, No. 6 | Conveyancing Act, 1919 | Section 33 (2)— Omit "officer of the Department", insert instead "member or officer of the Commission". Section 85 (1) (c)— Omit "Board of Health", insert instead "Health Commission of New South Wales". | |
| 1915, No. 45 | Dairy Industry Act, 1915 | Section 5 (4)— Omit "vested in the Board of Health at the date of the passing of this Act", insert instead "which were vested in the Board of Health at the date of the passing of this Act and are exercisable by the Health Commission of New South Wales". | |

SCHEDULE

Health Commission.

SCHEDULE—continued.

| Column 1. | | Column 2. |
|--|--|---|
| Year and number of Act. | Short title of Act. | Amendment. |
| -continued | Dairy Industry Act, 1915— continued | Section 24— Omit "Board of Health", insert instead "Health Commission of New South Wales". |
| 1970, No. 29 | Dairy Industry Authority Act, 1970 | Section 36 (2)— Omit "Director-General of Public Health" insert instead "Health Commission of New South Wales". Section 89 (3)— Omit "Board of Health", insert instead "Health Commission of New South Wales". |
| 1934, No. 10 | Dentists Act, 1934 | Section 3 (1)— Insert next before the definition of "'Dental Board' or 'Board'" the following new definition:— "Commission" means the Health Commission of New South Wales constituted under the Health Commission Act, 1972. Section 4— |
| b) "supplication spatial application of dee Cana- table of the Communication of the communication stream of the compent of the | Constantions of the second sec | (a) Omit from subsection (1) "the Under Secretary, Department of Health, or a person from time to time nominated by him", insert instead "a member of the Commission from time to time nominated by the Commission or an officer of the Commission from time to time so nominated"; (b) In subsection (5) after "public servant" insert "or a member of the Com- mission". |

SCHEDULE—continued.

| Column 1. | | Column 2. | |
|--|--|---|--|
| Year and number of Act. | Short title of Act. | Amendment. | |
| 1934, No. 10 —continued | Dentists Act, 1934—con- tinued | Section 10 (1) (e)— In subparagraph (i) after "dentist" insert "employed by the Commission or of a dentist"; In subparagraph (ii) after "State or" insert "in the service of the Commission or". | |
| | | Section 10A (2)— | |
| abile Hantain omnission of | "clevi nii | In paragraph (a) after "dentist" insert "employed by the Commission or of a dentist"; In paragraph (b) after "State or" insert "in the service of the Commission or". | |
| beneti Itishi tung yait | Tinked In 15 | Section 10D (4)— | |
| | | Omit "Director of State Psychiatric Ser- vices", insert instead "Commission". | |
| | | Section 12 (3) (b1)— | |
| ning normality ning Hoard ning Maxim ning Maxim | and the second | (a) Omit "and attached to the Division of Dental Services of the Department of Health", insert instead "who are officers or employees of the Com- mission"; (b) Omit "such Division", insert instead "the Commission". | |
| | | Section 12A— | |
| "the Under Manin, or a momentated in particular of inter or since montate or since from time to from time to inform time to inform time to inform time to of the Com- | | (a) Omit subsection (2) (b) (i), insert instead the following subparagraph:— (i) two persons each of whom is either a member of the Commission from time to time nominated by the Commission or an officer of the Commission from time to time so nominated; (b) In subsection (2) (c) after "Public Service" insert "or a member of the Commission". | |

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Health Commission.

SCHEDULE—continued.

| Column 1. | | Column 2. |
|-------------------------------|---|--|
| Year and number of Act. | Short title of Act. | Amendment. |
| 1957, No. 58 | Fluoridation of Public Water Supplies Act, 1957 | Section 3— Omit the definition of "Board", insert instead the following definition:— "Commission" means the Health Commission of New South Wales constituted under the Health Commission Act, 1972. |
| กระดา สู่สถานร | | Section 4— |
| 1 non | "Gommission", Commission Commis Healta Commis Jacuta Commis | (a) Omit subsection (2) (a), insert instead the following paragraph:— (a) a member of the Commission from time to time nominated by the Commission or an officer of the Commission from time to time so nominated; and; (b) In subsection (9) after "Public Service" insert "or a member of the Commission". |
| | cinemigro bors - | Sections 5; 6; 7; 11 (1) (paragraph (b) |
| Jiséni "isis | ad beingan | excepted)— |
| ."1 | ated organisatio | Omit "Board" wherever occurring, insert instead "Commission". |
| | | Section 6 (2)— |
| | anno) Arig | Omit "Board's" wherever occurring, insert instead "Commission's". |
| . ar des | riteriti (onma | headed and a second sec |
| 920, No. 48 | vation by Sulphur Di- oxide Enab- ling Act, | Section 3— (a) Omit the definition of "Board", insert instead the following defini- tion:— "Commission" means the Health Commission of New South Wales constituted by the Health Commission Act, 1972. |

SCHEDULE

Health Commission.

SCHEDULE—continued.

| Column 1. | | Column 2. | |
|-------------------------------|--|--|--|
| Year and number of Act. | Short title of Act. | Amendment. | |
| 1920, No. 48 —continued | Food Preserva- tion by Sul- phur Dioxide Enabling Act, 1920—con- tinued | Section 3—continued (b) From the definition of "Local authority" omit "board", insert instead "Commission"; (c) From the definition of "Officer" omit "board", insert instead "Commission". Sections 4; 6— Omit "board" wherever occurring, insert instead "Commission". | |
| 1934, No. 57 | Guarantees Act, 1934 | Section 3 (1)— (a) Omit "Hospitals Commission", insert instead "Health Commission"; (b) After "incorporated hospital" insert ", associated organisation". Section 4 (e)— After "incorporated hospital" insert ", associated organisation". | |
| 1940, No. 2 | Industrial Arbi- tration Act, 1940 | Section 15 (8)— Omit "Hospitals Commission", insert instead "Health Commission". Section 88A— Omit:— Wales, The Hunter District Water Board, and The Hospitals Commission of New South Wales. Insert instead:— | |

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Health Commission.

SCHEDULE—continued.

| Column 1. | | Column 2. | |
|--|---|---|--|
| Year and number of Act. | Short title of Act. | Amendment. | |
| 1912, No. 24 | Inebriates Act, | Section 9 (2)— | |
| "referencialis" | 1912 | Omit "Inspector-General of the Insane, and during his absence from the State or his inability to act from illness or other | |
| n' de following | | cause, of the deputy Inspector- General", insert instead "Health Commission of New South Wales". | |
| moo Ilisda noity Landiogqu anodu Holinskijoni 76 | 4. The Frand sist of streams by the Generate | | |
| te fueretto, Ul nora (and a | published, Ju 10 Wr.oue | Section 24— | |
| ti he erroleted Governor as of un Foun- the resisted infunction of the formulation of the Soundation of the | whom she by the Chatama dation if on the se Hatch T Cey Sou | (a) Omit "the Inspector-General of the Insane, or such person as he may depute,", insert instead "a member of the Health Commission of New South Wales or an officer of that Commission authorised by that Commission in that behalf"; | |
| en inter and sin interaction of the University of | aptive has aptick of bon of the Sciney: | (b) Omit "or his deputy". | |
| abers (of strong ("be wonten mained on the | (c) three me teo sho teo sho | Section 29 (1)— | |
| ind indiana | nosilation Aliniates baravech (e) o ren fastad "e | Omit "the Chief Government Medical Officer, the Inspector-General of the Insane, and the Comptroller-General of Prisons", insert instead "two persons, each of whom is either a member of the Commission from time to time nominated by the Commission or an officer of the Commission from time to time so nominated, and the Commissioner of Corrective Services". | |
| | ast after the 19 Commission 10 Million | und (n) nud waa | |
| 1953, No. 41 | Judges' Pensions Act, 1953 | Section 5— Omit "Director-General of Public Health", insert instead "Health Commission of New South Wales". | |
| ПОСТИСК | | SCHEDULE | |

Health Commission.

SCHEDULE—continued.

| Column 1. | | Column 2. | |
|--|--|--|--|
| Year and number of Act. | Short title of Act. | Amendment. | |
| 1937, No. 8 | King George V and Queen Mary Mater- nal and Infant Welfare Foundation Act, 1937 | Omit the definition of "Ex-officio member". | |
| nda oli on ad 14 member ol 14 New Sentit 14 Compilesion | "the locations or such pars afth countrated or an officer of t are be that Cou or its deputy". | Founda- tion. by the Governor by notification published in the Gazette, of whom— (a) two members (one of whom shall be appointed by the Governor as Chairman of the Foun- dation) shall be appointed on the nomination of the Health Commission of New South Wales; (b) two members shall be appointed on the nomina- tion of the University of Sydney; and (c) three members (of whom two shall be appointed on the nomination of the Minister. | |
| | in Congress I and a station of the second s | Section 7— (a) from paragraph (e) omit "Governor; or", insert instead "Governor."; (b) omit paragraph (f). | |
| | Local Govern- ment Act, 1919 | (a) Insert next after the definition of "Grants Commission" the following new definition:— "Health Commission" means the Health Commission of New South Wales constituted under | |

ICHINZ -

Health Commission.

SCHEDULE—continued.

| Column 1. | | Column 2. | |
|--|--|---|--|
| Year and number of Act. | Short title of Act. | Amendment. | |
| 1919, No. 41 —continued | Local Govern- ment Act, 1919—con- tinued | (b) In the definition of "'Statutory body, or 'statutory body representing the Crown," after "Metropolitan Meat Industry Board," insert "Health Commission of New South Wales,". Sections 94 (1); 299A (2); 640— | |
| t is difficult in and A.C. Live is in A.C. Live and A.C. A.C. A.C. Norw South of Norw South | ad in ris Recol if the meature of Charles were to the mailed one bar web are co to Commission of | Omit "Board of Health" wherever occurring, insert instead "Health Commission". Section 94 (1)— Omit "board", insert instead "Com- mission". Section 132 (1)— | |
| novi i ori - tombo - tombo - tombo - tombo - tombo - tombo | China anti-sulta 196 - Statuta Anti- 196 - Sta | Insert after paragraph (d) the following new paragraph:— (d1) land which is vested in the Crown or the Health Commis- sion and is used or occupied by the Health Commission for the purposes thereof; and. Section 299— | |
| nat (C) 197 - San San 197 - San San 1984 - San San 1984 - San San | land trade (H) land trade (H) ender off trade off off trade (L) the constant for the second off | Omit "Hospitals Commission of New South Wales constituted under the Public Hospitals Act, 1929, to the extent prescribed in the regulations made under that Act", insert instead "Health Commission, to the extent prescribed in the regulations made under the Public Hospitals Act, 1929". | |
| che Contration montration d'una (200 haber Contra haber haber contration cont | a r arbor of rom time to (the Commission the Commission the commission the commission of the matrice | Section 591 (c)— Omit "Board of Health, appointed by that board", insert instead "Health Com- mission appointed by that Com- mission". | |

SCHEDULT

Health Commission.

SCHEDULE—continued.

| Column 1. | | Column 2. | |
|-------------------------------|---|---|--|
| Year and number of Act. | Short title of Act. | Amendment. | |
| 1919, No. 41 —continued | Local Govern- ment Act, 1919—con- tinued | Section 654 (5) (h)— Omit the paragraph, insert instead the following paragraph:— (h) the Health Commission. | |
| 1915, No. 69 | Meat Industry Act, 1915 | Section 4 (4)— Omit "vested in the Board of Health at the date of the passing of this Act", insert instead "which were vested in the Board of Health at the date of the passing of this Act and are exercisable by the Health Commission of New South Wales". | |
| 1938, No. 37 | Medical Practi- tioners Act, 1938 | Section 3 (1)— Insert next after the definition of "Board" the following new definition:— "Commission" means the Health Commission of New South Wales constituted under the Health Commission Act, 1972. | |
| | | Section 5— (a) After "which" in subsection (1) insert "(except the member referred to in paragraph (a) of subsection (3))"; (b) Omit subsection (3) (a), insert instead the following paragraph:— (a) a member of the Commission from time to time nominated by the Commission or an officer of the Commission from time to time so nominated; (c) In subsection (8) after "public servant" insert "or a member of the Commis- sion". | |

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Health Commission.

SCHEDULE—continued.

| Column 1. | | Column 2. |
|---|--|--|
| Year and number of Act. | Short title of Act. | Amendment. |
| 1938, No. 37 —continued | Medical Prac- titioners Act, 1938—con- tinued | Section 27A (1) (b)— Omit the paragraph, insert instead the following paragraph:— (b) a member of the Commission, who is a medical practitioner, from time to time nominated by the Commission, or an officer of the Commission, who is a medical practitioner, from time to time so nominated; and. |
| ar vin en al ar vin en al i de al de al setter a setter a setter a en al en al | n an | Section 30 (2)— Omit the subsection, insert instead the following subsection:— (2) Where a registered person becomes a patient, or a voluntary patient, within the meaning of the Mental Health Act, 1958, the pre- scribed person shall, in the prescribed manner and within the prescribed time, cause a notice of that fact to be forwarded to the secretary to the board. |
| | | Section 34 (2)— Omit the subsection, insert instead the following subsection:— (2) The committee shall consist of three members, of whom— (a) two shall be persons from time to time nominated by the Commission; and (b) one shall be a member of the board from time to time nom- inated by the board. |
| | | Sections 43 (2); 45 (1)— Omit "Board of Health" wherever occur ring, insert instead "Commission". |

Health Commission.

SCHEDULE—continued.

| Column 1. | | Column 2. | |
|--|----------------------------|---|--|
| Year and number of Act. | Short title of Act. | Amendment. | |
| 1958, No. 45 | Mental Health Act, 1958 | Section 4— | |
| | | (a) Insert next after the definition of | |
| | a memorial april | "Authorised hospital" the following | |
| | who is a month | new definitions:— "Authorised officer", in relation to | |
| | | any power, authority, duty or function conferred or imposed | |
| | einuani) orb ite | function conferred or imposed | |
| | pitton testion | upon authorised officers by this Act, means a person appointed | |
| | Bus he h for blact ind | under section 7 to be an | |
| | | authorised officer and who is | |
| | | entitled to exercise or perform that power, authority, duty or | |
| | anti nultanedina | function. | |
| | - conditionarius on | "Commission" means the Health Commission of New South | |
| | Where a repu | Wales constituted under the | |
| | a odi cittin | Health Commission Act, 1972. | |
| | Hoalth Act. | (b) Omit the definition of "Director";(c) Omit the definition of "Superintend- | |
| other provide the providence of the providence o | person shaft, is | ent", insert instead the following | |
| d sit toil tests | a set of a set a | demition:- | |
| li en mersel | led the the iso | "Superintendent", in relation to an admission centre, a mental | |
| | | hospital or an authorised | |
| × | | hospital, means the person having charge of that admission | |
| | | centre, mental hospital or | |
| di haspan re | an Joseph and | authorised hospital. | |
| | - (10) Yourdus pet | follow | |
| | til a line znakoma | Section 7— | |
| son, how (in) | by ord starts own | (a) Omit subsections (1) and (2), insert | |
| di -d bourd | ting parts of | instead the following subsections:- | |
| the to state of | B | (1) The Commission may appoint | |
| | tuji mol Imesić | one or more members or officers of the Commission to be authorised | |
| 1.00 | pd odł se i strai | officers who, subject to subsection (2), | |
| | | shall have and may exercise and perform the powers, authorities, duties | |
| - | 二一句 (2) (2) | and functions conferred or imposed | |
| here a contra | " Dilasti ta ha | upon authorised officers by this Act. | |
| ."milesional | O" besteri use | (2) An instrument appointing an authorised officer may specify the | |
| | | powers, authorities, duties and func- tions that may be exercised or | |
| _ | | tions that may be exercised or | |

SCHEDULE

Health Commission.

SCHEDULE—continued.

| Column 1. | | Column 2. | |
|---|--|---|--|
| Year and number of Act. | Short title of Act. | Amendment. | |
| 1958, No. 45- continued | Mental Health Act, 1958— continued | Section 7—continued performed by that authorised officer shall not be entitled to exercise or perform any powers, authorities, duties or functions conferred or imposed by this Act on authorised officers other than those specified by the instrument of his appointment. (2A) An authorised officer shall, in the exercise or performance of his powers, authorities, duties and functions under this Act, be subject to the control and direction of the Commission. (2b) The Commission shall cause every admission centre, mental hospital and authorised officers, with or without previous notice and at any time of the day or night as it thinks fit. (2c) An authorised officer may at any time make such inspections, investigations and inquiries as he deems necessary, and shall make such inspect to the care, treatment or control of patients or voluntary patients or with respect to the management of any admission centre, mental hospital or authorised hospital. (b) Omit from subsection (3) (a) "the Director", insert instead "any authorised officer"; (c) Omit subsection (4) (a), insert instead the following paragraph:— (a) An authorised officer, being an | |
| nan in Ana (A ad an an an an Mirat di san Mirat di san Mirat di san Mirat di san | a b edit these treat in erric of any formation training protects to protect. | officer within the meaning of the Public Service Act, 1902, who has any pecuniary interest, directly or indirectly, in any authorised hospital shall be deemed to be guilty of misconduct within the meaning of that Act. | |

Health Commission.

SCHEDULE—continued.

| Column 1. | | Column 2. |
|---|---|---|
| Year and number of Act. | Short title of Act. | Amendment. |
| 1958, No. 45 —continued | Mental Health Act, 1958— continued | Section 7—continued (d) Omit from subsection (4) (b) "A Director or Deputy Director", insert instead "An authorised officer"; (e) Omit from subsection (5) "he", insert instead "it". Sections 7 (3) (a), (b); 17; 20 (1); 33 (2); |
| d Alarie toolida | tional and the second | 108 (3); 109A (3)— |
| miance of hi utics and func is subject to th if the Commis | anciae a port secondariaes ander this Act. | Omit "The Director" wherever occurring, insert instead "An authorised officer". |
| on shell caus | zimme) all' | Sections 7 (3) (c); 16 (c); 17; 24 (1); |
| timent istantia | fataas holasimba | 25 (1); 27 (1); 28; 33 (1); 34 (2) (d); |
| ane to time b | nponeco meren sport bruggi fert officies, t | 102 (a); 104; 105; 108 (2), (6), (7)— |
| any time of the | te han solven ze hiet si zu idyin j | Omit "the Director" wherever occurring, insert instead "an authorised officer". |
| a can 19000 Goloxizai da | An Invite st | Sections 7 (5); 11 (1), (7); 108 (5)- |
| hall make such maand inquire tine to such | hits avec com | Omit "Director" wherever occurring, insert instead "Commission". |
| ining contracts | the the survey that | Section 32— |
| na ta tangan at an tal hospital o | so all of hoose to all of hoose to all of hoose house house | Omit "Director", insert instead "an author- ised officer". |
| ANT IN THE O | in- | Section 65 (1)- |
| odina. Ana pr | an inseri | Omit the subsection, insert instead the following subsections:- |
| | (i) ordination (ii) ordination (iii) ordination | (1) Except as may be directed by the Treasurer, the Master shall pay into the Hospital Fund established under the Public Hospitals Act, 1929, for the use and benefit thereof, and at such times and in such manner as the Governor may from time to time appoint, all money paid to the Master for the maintenance of any patient or voluntary patient. |

A. HOSEON

Health Commission.

SCHEDULE—continued.

| Column 1. | | Column 2. | |
|-------------------------------|---|--|--|
| Year and number of Act. | Short title of Act. | Amendment. | |
| 1958, No. 45 —continued | Mental Health Act, 1958— continued | Section 65 (1)—continued (1A) The Master shall pay into the Consolidated Revenue Fund, for the use and benefit thereof, and at such times and in such manner as the Governor may from time to time appoint, all fees received by the Master, whether charged by way of percentage or otherwise and all moneys referred to in subsection (1) directed by the Treasurer to be paid into that Fund. | |
| | nationalistic characteristic nationalistic characteristic nationalistic | Section 108— (a) Omit from subsection (4) "the Director" where firstly occurring, insert instead "an authorised officer"; (b) Omit from subsection (4) "the Director" where secondly, thirdly and fourthly occurring, insert instead "the authorised officer". | |
| | | Section 109A— Omit from subsections (4) and (5) "Director" wherever occurring, insert instead "authorised officer". Section 110 (3)— | |
| | | (a) Omit "Director" where firstly occurring, insert instead "Commission, an authorised officer"; (b) Omit "the Director" where secondly occurring, insert instead "an authorised officer". | |
| 1912, No. 49 _ | Newcastle Dis- trict Abat- toir and Sale- yards Act, 1912 | Section 2— Insert next after the definition of "Cattle" the following new definition:— "Commission" means the Health Commission of New South Wales constituted under the Health Commission Act, 1972. | |

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SCHEDULE

45

Health Commission.

SCHEDULE—continued.

| Column 1. | | Column 2. | |
|--|--|---|--|
| Year and number of Act. | Short title of Act. | Amendment. | |
| 1912, No. 49 —continued | Newcastle District Abattoir and Sale-yards Act, 1912— continued | Sections 10 (1); 12; 17 (3); 19 (1) (a), (2); 20; 26 (2)— Omit "Board of Health" wherever occur- ring, insert instead "Commission". | |
| all ^a (+) (+) (-) (-) (-) (-) (-) (-) (-) (-) (-) (- | New South Wales Insti- tute of Psy- chiatry Act, 1964 | Section 2— Insert next after the definition of "By-laws" the following new definition:— "Commission" means the Health Commission of New South Wales constituted under the Health Commission Act, 1972. | |
| o and () aning insen sources an and and an and and an an and an an and | n' Distriction in L'institution | Section 5— (a) Omit subsection (2) (b), (c), (d), insert instead the following paragraphs:— (b) two persons, each of whom shall be either a member of the Commission nominated by the Commission or an officer of the Commission so nominated, and one of whom is a psychiatrist; (c) a medical practitioner who is a member or officer of the Commission, nominated by the Minister; and; (b) Omit subsection (3) (b), insert instead the following paragraph:— (b) Sa member or officer of the Commission or is employed in any branch of the Repatriation Department of the Commonwealth; or. | |
| | A requirements and how dommin restants are restants are restants are restants are restants | Section 6— Omit ", (c) and (d)", insert instead "and (c)". | |

SCHEDULES

Health Commission.

SCHEDULE—continued.

| Column 1. | | Column 2. | |
|--|---|---|--|
| Year and number of Act. | Short title of Act. | Amendment. | |
| 1964, No. 44 —continued | Wales Insti- tute of Psychiatry Act, 1964— continued | Section 12— (a) Omit from subsection (2) (a) ", (b), (c) or (d)", insert instead "or (c)"; (b) Insert at the end of subsection (2) the following word and new paragraph:—; or (c) pursuant to paragraph (b) of that subsection, be appointed on the nomination of the Commission. | |
| 1955, No. 25 | New South Wales State Cancer Coun- cil Act, 1955 | | |
| 1915, No. 4 | Births Act, 1915 | Section 2— Insert next before the definition of "Muni- cipality" the following new definition :— "Commission" means the Health Commission of New South Wales constituted under the Health Commission Act, 1972. | |
| chring, insort | bar normal de Eb Protecimano D | Section 3— | |
| | | (a) Omit from subsection (1) "Under Secretary of the Department of Public Health, or to some person authorised by him to receive such notices", insert instead "Commission"; (b) Omit from subsection (2) "the office of the Under Secretary". | |
| an of "Com- the Collection the Book Disc South Store South 1 contor the | inter the definition for a first set of the set of the set of the set of the set of the set of the set of the set of the set of the set of the | (b) Omit from subsection (2) "the office of the Under Secretary", insert instead "an office of the Commission"; (c) Omit from subsection (2) "such Under Secretary or authorised person", insert instead "the Commission"; (d) Omit from subsection (3) "Under Secretary", insert instead "Commission". | |

SCHEDA LE

Health Commission.

SCHEDULE—continued.

| Column 1. | | Column 2. |
|-------------------------------|---------------------------------------|---|
| Year and number of Act. | Short title of Act. | Amendment. |
| 1902, No. 82 | Trades Act, 1902 | Section 3— Omit the definition of "The Board", insert instead the following definition:— "Commission" means the Health Commission of New South Wales constituted under the Health Commission Act, 1972. Sections 4 (2) (a); 5; 7; 9; 10; 11; 16; 18— Omit "Board" wherever occurring, insert instead "Commission". Section 9— Omit the heading, insert instead the following heading:— The Commission. |
| -initA" to no | CARDADO, C. CALLARD C. C. | 915, No. 4 Monification of Section 2 Births Act. 1915 |
| 1957, No. 3 🕳 | Trades (Amendment) Act, 1957 | Section 2 (c) (ii)— Omit "Board" wherever occurring, insert instead "Commission". |
| 1953, No. 10 | Nurses Regis- tration Act, 1953 | Section 3— Insert next after the definition of "Com- mencement of this Act" the following new definition:— "Commission" means the Health Commission of New South Wales constituted under the Health Commission Act, 1972. |

SCHEDULI

Health Commission.

SCHEDULE—continued.

| Column 1. | | Column 2. | |
|-------------------------------|---|--|--|
| Year and number of Act. | Short title of Act. | Amendment. | |
| 1953, No. 10 —continued | Nurses Registration Act, 1953- continued | Section 5— (a) Omit subsection (1) (a), (b), insert instead the following paragraphs:— (a) two, each of whom shall be a member of the Commission nominated by the Commission so nominated and of whom one shall be appointed to be Chairman of the Board; (b) one shall be a psychiatrist who is a member of the Commission nominated by the Commission or who is an officer of the Commission so nominated; (b) Omit subsection (1) (h); (c) Omit from subsection (1) "The member referred to in paragraph (a) of this subsection", insert instead "The person appointed to be Chairman of the Board"; (d) Omit from subsection (1) "The member referred to in paragraph (b) of this subsection may from time to time nominate a person to act in his place as a member."; (e) Omit subsection (4), insert instead the following subsection:— (f) Omit subsection (4), insert instead the following subsection:— (g) Omit subsection (4), insert instead the following subsection:— (h) A member of the Board who is not a member of the Commission shall be paid such fees as the Governor may from time to time direct. Section 9 (2) (a)— Omit "Hospitals Commission of New South Wales" wherever occurring, insert instead "Commission". Section 25 (1)— Omit "Director-General of Public Health or a legally qualified medical practitioner authorised by him in that behalf", insert instead "Commission". | |

Health Commission.

SCHEDULE—continued.

| Column 1. | | Column 2. |
|--|--|---|
| Year and number of Act. | Short title of Act. | Amendment. |
| 1963, No. 35 | Optical Dispensers Act, 1963 | Section 6 (2) (a)— Omit the paragraph, insert instead the following paragraph:— (a) one shall be a member of the Health Commission of New South Wales nominated by that Commission or an officer of that Commission so nominated; |
| | | Section 7— |
| Compress who Compression Compression Compression State Compression | n (Udi) 19 a politica 19 a pol | (a) Omit "Under Secretary, Department of Public Health,", insert instead "member appointed under paragraph (a) of subsection (2) of section 6"; (b) Omit ", whether constituted under section five or six of this Act". |
| side is to find | ale a constraint d'un Ale a constraint d'un | Section 11— |
| add Ab Stop movie ad Tit (d golg No (d) de to an Wind | | After "Public Service" insert "or a mem- ber of the Health Commission of New South Wales". |
| 1930, No. 20 | Optometrists Act, 1930 | Section 4— |
| | Insert next after the definition of "Board" the following new definition:— "Commission" means the Health Commission of New South Wales constituted under the Health Commission Act, 1972. | |
| | | Section 5— |
| un of word a hold and and durate sident hold and and hold and | | (a) Omit subsection (2) (f), insert instead the following paragraph:— (f) one shall be a member of the Commission nominated by the Commission or an officer of the Commission so nominated. (b) Omit from subsection (6) "Under Secretary, Department of Public Health", insert instead "person appointed under paragraph (f) of subsection |

Health Commission.

SCHEDULE—continued.

| Column 1. | | Column 2. | |
|-------------------------------|---|---|---|
| Year and number of Act. | Short title of Act. | Amendment. | ber und astrona astrona tot |
| 1930, No. 20 —continued | Optometrists Act, 1930— continued | Section 5—continued (c) Omit from subsection Secretary, Departmen: Health,", insert inst appointed under paragrasection (2)". Section 29A (5)— Omit "Director-General of F insert instead "Commission" | t of Public ead "person aph (f) of sub- Public Health", |
| 1964, No. 48 | Pharmacy Act, 1964 | Section 4— (a) After "who" in subsec "(except in the case o referred to in paragraph (b) Omit subsection (2) (b), the following paragraph (b) one shall be a n Health Commiss South Wales from nominated by tha or an officer of th from time to time (c) After "Board" in subsec ", other than the membin paragraph (b) of subs (d) In subsection (5) after "prinsert "or a member Commission of New South | f the member (b))"; insert instead immeter of the sion of New in time to time at Commission at Commission so nominated; ction (3) insert per referred to ection (2),"; public servant" of the Health |
| 1966, No. 31 | Poisons Act, 1966 | Section 4 (1)— (a) Insert next after the "Automatic machine" new definition:— "Commission" mean Commission of Wales constitute Health Commissi (b) Omit the definition Secretary". | the following s the Health New South ed under the on Act, 1972. |

Health Commission.

SCHEDULE—continued.

| Column 1. | | · Column 2. | |
|-------------------------------|---|---|--|
| Year and number of Act. | Short title of Act. | Amendment. | |
| 1966, No. 31 —continued | Poisons Act, 1966—con- tinued | Section 6— (a) Omit subsection 2 (a), insert instead the following paragraph:— (a) a member of the Commission from time to time nominated by the Commission or an officer of the Commission from time to time so nominated; (b) In subsection (11) after "Public Service" insert "or a member of the Commission". | |
| | | Section 10 (1)— | |
| Parta Cipara | | Omit "Under Secretary, or such other person as may from time to time be nominated by him for the purpose,", insert instead "Commission". | |
| inano nami | le la companya da serie da se Serie da serie da ser | Sections 16 (1); 19 (1), (1B); 24 (2) (d), (e), | |
| A Second | | (f); 43 (1)— | |
| an Sant Rugar Pana | | Omit "Under Secretary" wherever occur- ring, insert instead "Commission". | |
| tast. and over | uniere der | Section 19— | |
| | | Omit from subsection (1A) "Under Secretary for reasons that he", insert instead "Commission for reasons that it". | |
| t and the | est service and | Section 24— | |
| | | (a) Omit from subsection (2) (d) "he", insert instead "it"; (b) Omit subsection (2A). | |
| and the second | | Section 27— | |
| and the set | | Omit the definition of "Director-General". | |
| and and a | | Sections 28; 29 (1), (2), (3), (4), (5) (c); 30 (4)— | |
| in a star | | Omit "Director-General" wherever occur- ring, insert instead "Commission". | |

Health Commission.

SCHEDULE—continued.

| Column 1. | | Column 2. | |
|-------------------------------|------------------------------------|--|--|
| Year and number of Act. | Short title of Act. | Amendment. | |
| 1966, No. 31— continued | Poisons Act, 1966— continued | Section 29— (a) Omit from subsection (4) "he", insert instead "it"; (b) Omit from subsection (5) (d) "the Director-General", insert instead "a member of the Commission or by an officer of the Commission authorised generally or specially by the Commission to do so". Section 30 (5)— After "Public Service", insert "or a member | |
| | | of the Commission". Section 37 (1)— (a) Omit "person for the time being holding office as Director-General of Public Health", insert instead "Com- mission"; (b) Omit "his", insert instead "its". | |
| | | (e) Omit into y index instant instant in the Secretary" where firstly occurring, insert instead "a member of the Commission or by an officer of the Commission authorised generally or specially by the Commission to do so"; (b) Omit "of the person appearing to have signed the certificate or that he was the Under Secretary", insert instead "or of the official character or authority of the person purporting to have signed the certificate". | |
| 1908, No. 14 | Private Hospi- tals Act, 1908 | Section 2— Omit the definition of "Commission", insert instead the following defini- tion:— "Commission" means the Health Commission of New South Wales constituted under the Health Commission Act, 1972. | |

Health Commission.

SCHEDULE—continued.

| Column 1. | | Column 2. |
|--|--|--|
| Year and number of Act. | Short title of Act. | Amendment. |
| 1908, No. 14 —continued | Private Hospitals Act, 1908 —continued | Section 11 (1)— Omit "Board of Health" wherever occurring, insert instead "Commission". Section 24— Omit "the Hospital Fund established under the Public Hospitals Act, 1929", insert instead "Consolidated Revenue Fund". Section 25— After "commencement" where secondly occurring insert "and before the appointed day under the Health Commission Act, 1972". |
| A Lacian Transition | Public Health Act, 1902 | (a) Omit from the matter relating to Part II "BOARD OF HEALTH", insert instead "ADVISORY BOARD OF HEALTH"; (b) Omit from the matter relating to Div- ision 1 of Part II "Board of Health", insert instead "Advisory Board of Health". |
| orial of arthor of original of arthor of the original france of arthor to the original | ingen tractic notation tractic security data security the order in the research research research | Section 3— (a) Omit the definition of "Board", insert instead the following definition:— "Board" means the Advisory Board of Health constituted under this Act. |
| Antonio and Antonio antonio antonio antonio antonio antonio antonio antonio an | el coloritor el coloritor el coloritoria coloritoria coloritori coloritori coloritori coloritori coloritori | (b) Insert next after the definition of "Chemical closet" the following new definition:— "Commission" means the Health Commission of New South Wales constituted under the Health Commission Act, 1972. (c) From the definition of "Health inspec- tor" omit "Board", insert instead "Commission"; |

Health Commission.

SCHEDULE—continued.

| Column 1. | | Column 2. |
|-------------------------------|--|--|
| Year and number of Act. | Short title of Act. | Amendment. |
| 1902, No. 30 —continued | Public Health Act, 1902- continued | Section 3—continued (d) From the definition of "Local authority" omit "Board", insert instead "Commission"; (e) From the definition of "Officer" omit "Board", insert instead "Commission"; (f) From the definition of "President" omit "of Health". PART II— Omit the heading to the Part and to Division 1, insert instead the following heading:— PART II. THE ADVISORY BOARD OF HEALTH AND LOCAL AUTHORITIES. DIVISION 1.—The Advisory Board of Health. Section 6— Omit the section, insert instead the following section:— Consti- 6. There is hereby constituted tution a body under the name of the of the "Advisory Board of Health" Board. which shall have and may exercise and perform the powers, authorities, duties and functions conferred or imposed upon it by or under this or any other Act. Section 7— Omit the section, insert instead the following section:— Members 7. (1) The Board shall consist of the of not less than seven nor more Board. than ten members appointed by the Minister, of whom not less than four shall be medical practitioners. |

Health Commission.

SCHEDULE—continued.

| Column 1. | | Column 2. |
|-------------------------------|--|--|
| Year and number of Act. | Short title of Act. | Amendment. |
| 1902, No. 30 continued | Public Health Act, 1902— continued | Section 7—continued (2) One of the members of the Board shall, in and by the instrument of his appointment, be appointed as President of the Board. (3) The President shall be appointed on the nomination of the Commission. (4) A member of the Board, other than the President, shall, if he does not earlier cease to hold office, hold office for such period, not exceeding three years, as may be specified in the instrument of his appointment and shall be eligible for reappointment from time to time. (5) A person who, immediately before the appointed day under the Health Commission Act, 1972, held office as a member of the Board of Health constituted under this Part, as in force immediately before that day, shall, on and from that day, be deemed to have been appointed as a member of the Board and shall, if he does not earlier cease to hold office, hold office, for such term as is equal to the part of the term for which he was last appointed to the Board of Health, so constituted, that is unexpired on that day. |
| | serim. inter | Section 9— |
| | | Omit the section, insert instead the following section:— Advisory 9. The Board may and shall, powers if requested by the Commission of the to do so, prepare and furnish Board. reports and advise and make |

A REPORT

Health Commission.

SCHEDULE—continued.

| Column 1. | | Column 2. |
|-------------------------------|--|--|
| Year and number of Act. | Short title of Act. | Amendment. |
| 1902, No. 30 —continued | Public Health Act, 1902— continued | Section 9—continued recommendations to the Com- mission upon any matter re- lating to the powers, author- ities, duties and functions con- ferred or imposed upon the Commission by this Act, the Pure Food Act, 1908, the Noxious Trades Act, 1902, the Fluorida- tion of Public Water Supplies Act, 1957, the Food Preserva- tion by Sulphur Dioxide Enab- ling Act, 1920, or the Local Government Act, 1919. |
| | A scientifics and a date of a | Sections 10; 11; 12; 13; 15; 16; 17; |
| | 10 10 10 100 1281 11 1 | 20; 21; 23A; 24; 25; 26; 26F; 29; 29A; 30; 37; 41; 48 (1); 50; 50A; 50E; |
| | o electric il s | 51 (3); 51A; 52; 54; 56; 58; 60; 61; |
| | Name in | 62; 63; 71; 71B; 71c; 72; 75; 94 |
| | and the astin | 95; 96; 99; 102; 102A; 103; 105 |
| | alitanggi juga a | 107 and 110— |
| | Table V a fa | Omit "Board" wherever occurring, inser instead "Commission". |
| | Station and Annes | Section 14— |
| | | Omit "Board" where firstly, sixthly seventhly and ninthly occurring, inser instead "Commission". |
| | A STATE OF A | Section 18 (2)— |
| | n ing arise anto tod ugi a National arise | Omit the subsection, insert instead the following subsection: (2) A member of the Commission who is a medical practitioner shal |

Health Commission.

SCHEDULE—continued.

| Column 1. | | Column 2. |
|--|--|--|
| Year and number of Act. | Short title of Act. | Amendment. |
| 1902, No. 30— continued | Public Health Act, 1902— continued | Section 18 (2)—continued have and may exercise and perform all the powers of a medical officer of health. Section 23— Omit the section. Section 24 (1); 25— Omit "President or secretary" wherever occurring, insert instead "Chairman, secretary or other officer of the Commission authorised generally or specially by the Commission to do so". Sections 26A; 26B; 26C; 26D; 26E; 26F; 30A; 32B; 32C; 32D— Omit "board" wherever occurring, insert instead "Commission". Sections 32A (1); 43A (1) (ha)— Omit "President" wherever occurring, insert instead "Commission". Sections 43A (1); 51 (2)— Omit "Board of Health" wherever occurring, insert instead "Commission". Section 48 (2)— (a) Omit "President or secretary, or any two members of the Board", insert instead "Chairman or secretary of the Commission or any officer of the Commission or any of |
| ta 100 121 ta 100 121 ta 101 101 ta 100 101 ta 100 100 ta 100 1000 ta 100 1000 ta 100 1000 ta 10000000 ta 10000000000 | Market (Market) Mar | instead "Commission". Sections 32A (1); 43A (1) (ha)- Omit "President" wherever insert instead "Commission Sections 43A (1); 51 (2)- Omit "Board of Health" whe ring, insert instead "Commissed "Commissed "Commissed "Commissed "Commission or secret two members of the Bo instead "Chairman or secret Commission or any off |

Health Commission.

SCHEDULE—continued.

| Column 1. | | Column 2. |
|-------------------------------|---|--|
| Year and number of Act. | Short title of Act. | Amendment. |
| 1902, No. 30— continued | Public Health Act, 1902— continued | Section 50B— From paragraph (b) of the definition of "hospital" omit "Department of Public Health", insert instead "Commission". Section 50D— Omit "Director-General of Public Health", insert instead "Commission". Section 51 (2)— Omit "Board" where secondly occurring insert instead "Commission". Section 73— Omit "Board or the President" wherever occurring, insert instead "Commission". Section 108 (1)— (a) Omit "Board" where firstly, secondly and fourthly occurring, insert instead "Commission"; (b) Omit "President of the Board", inser instead "Chairman, secretary or othe officer of the Commission authorised generally or specially by the Commission to do so". |
| 1944, No. 16 | Public Health (Amendment) Act, 1944 | Sections 6 (1) (b); 7 (1)— Omit "Board" wherever occurring, inser instead "Commission". |

Health Commission.

SCHEDULE—continued.

| Column 1. | | Column 2. | |
|-------------------------------|--|---|--|
| Year and number of Act. | Short title of Act. | Amendment. | |
| 1902, No. 110 | Public Health (Night-soil Removal) Act, 1902 | Section 2— (a) Omit "Health Board", insert instead "Health Commission of New South Wales"; (b) Omit "Board" where secondly occur- ring, insert instead "Commission"; (c) Omit "Board of Health", insert instead "Commission". | |
| 1929, No. 8 | Public Hospi- tals Act, 1929 | Long title— Omit "to constitute a Hospitals Commis- sion;". | |
| | and the second of the second o | Section 1 (2)— (a) From the matter relating to Part II omit "Hospitals Commission", inseri instead "HEALTH COMMISSION"; (b) Insert next after the matter relating to Part VA the following new matter:— PART VB.—Hospitals Conducted BY THE HEALTH COMMISSION. (c) Insert at the end "FIFTH SCHEDULE.". Section 3— | |
| | the providence of the second sec | (a) Omit the definition of "Commission" insert instead the following definition:— "Commission" means the Health Commission of New South Wales constituted under the Health Commission Act, 1972. (b) In the definition of "Hospital" after "applied" insert "by or under section 4". | |

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Health Commission.

SCHEDULE—continued.

| Column 1. | | Column 2. | |
|-------------------------------|---|---|--|
| Year and number of Act. | Short title of Act. | Amendment. | |
| 1929, No. 8— continued | Public Hospi- tals Act, 1929 —continued | Section 4 (1)— After "VA", insert "or Part VB". PART II, heading— Omit "HOSPITALS COMMISSION", insert instead "HEALTH COMMISSION". Sections 5; 6; 7; 8; 9; 10— Omit the sections. Section 11— Insert at the end of subsection (1) the following new paragraph:— (h) to conduct, manage, maintain and operate and, where necessary, to extend and improve the hospitals mentioned in the Fifth Schedule. Insert at the end the following new subsection:— (3) Where the Commission is of the opinion that it is in the public interest to do so, it may close any of the hospitals mentioned in the Fifth Schedule. Section 17— (a) Omit subsection (2) (a), insert instead the following paragraph:— (a) all moneys appropriated by Parliament for the purposes of this Act (including moneys so appropriated for the granting of subsidies or other assistance to hospitals and associated organisations) and, subject to subsection (2A), all other moneys received by the Commission from any other source pursuant to the exercise or performance of its powers, authorities, duties or functions under this Act; and; | |

Health Commission.

SCHEDULE—continued.

| Column 1. | | Column 2. | |
|---|---|---|--|
| Year and number of Act. | Short title of Act. | Amendment. | |
| 1929, No. 8– continued | Public Hospi- tals Act, 1929 —continued | Section 17—continued (b) Insert next after subsection (2) the following new subsection:— (2A) The Commission shall pay to the Treasurer such amount as is determined by the Treasurer as representing moneys received by the Commission in respect of the care or treatment of patients in hospitals mentioned in the Fifth Schedule. | |
| and the second | | Section 29B (1) (a)— | |
| oli (D. roko oli (D. roko oli osobi ta Lakana ta Lakana | | (a) Omit from subparagraph (ii) "and", insert instead "or"; (b) Insert next after subparagraph (ii) the following new subparagraph:— (iii) the planning or construction of any building or facility for use as or by a hospital or proposed hospital; and. | |
| | | Part VB— | |
| And the | la contra con La contra c | Insert next after Part VA the following new Part:— PART VB.—HOSPITALS CONDUCTED BY THE HEALTH COMMISSION. | |
| non bein an a since | | Altera- tion of the recommendation of the Fifth Commission, by order pub- Schedule. lished in the Gazette, amend the Fifth Schedule— | |
| | | (a) by inserting therein the name of a hospital or proposed hospital which is being, or is to be, conducted by the Commission; (b) alter the name of any hospital specified in that Schedule; or | |

SCHEDULE

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Health Commission.

SCHEDULE—continued.

| Column 1. | | Column 2. | | |
|---|--|---|--|--|
| Year and number of Act. | Short title of Act. | Amendment. | | |
| 1929, No. 8— continued | Public Hospi- tals Act, 1929 —continued | Part VB—continued (c) where the Commission has closed any such hospital, remove the name of that hospital from that Schedule. Section 33 (2)— Omit "or on behalf of the State", insert | | |
| Contraction of the second s | | instead "the Commission". Section 36 (1)— After "hospital" insert "(including a hospi- tal mentioned in the Fifth Schedule)". | | |
| | r policintine cue | Fifth Schedule— Insert next after the Fourth Schedule the following new Schedule:— | | |
| | n n n n n n n n n n n n n n | FIFTH SCHEDULE. Secs. 11 (1) Allandale Hospital Bloomfield Hospital Broughton Hall Psychiatric Clinic Callan Park Hospital David Berry Hospital Garawarra Hospital Gladesville Hospital Gladesville Hospital Kenmore Hospital Lidcombe Hospital Morisset Hospital Morisset Hospital Newcastle Psychiatric Centre North Ryde Psychiatric Centre Parramatta Psychiatric Centre Peat and Milson Islands Hospital Randwick Chest Hospital Stockton Hospital Strickland House Tomaree Holiday Lodge | | |

Health Commission.

SCHEDULE—continued.

| Column 1. | | Column 2. | | |
|--|------------------------|---|--|--|
| Year and number of Act. | Short title of Act. | Amendment. | | |
| 1901, No. 29 Public Institu tions Inspe- tion Act, 190 | | | | |
| 1908, No. 31 Pure Food Act, 1908 | | Section 4— (a) Omit from subsection (1) the definition of "Board", insert instead the following definition:— "Commission" means the Health Commission of New South Wales constituted under the Health Commission Act, 1972. (b) From the definitions of "Local authority" and "Officer" in subsection (1) omit "board" wherever occurring, insert instead "Commission". Sections 4 (2); 6 (3); 9; 16; 17; 17A; 18; 19; 19A; 20; 21 (3); 22 (1); 26; 32; 34; 37; 51 (2); 53; 54; 55— Omit "board" and "Board of Health" wherever occurring, insert instead "Commission". | | |

SCHEDULE

3

Health Commission.

SCHEDULE—continued.

| Column 1. | | Column 2. | |
|---|---|---|--|
| Year and number of Act. | Short title of Act. | Amendment. | |
| 1908, No. 31 —continued | Pure Food Act, 1908— continued | Section 6 (1)— (a) Omit "the president of the Board of Health,", insert instead "a member of the Commission nominated by the Commission, or an officer of the Commission so nominated,"; (b) Omit "the medical officer of health, metropolitan combined sanitary districts", insert instead "a medical officer of health within the meaning of the Public Health Act, 1902, from time to time nominated by the Commission | |
| abrili (n) er illeatti () s n) risst () n | 2 921 JS 0018 | Section 8— (a) After "public service" insert "or a member of the Commission"; (b) Omit ", but such fees shall not exceed four dollars twenty cents per member per sitting". | |
| all Lastenitras | 1 ¹⁰ 10 subsection Score m. who stead "Commit 10 MJ ² 10 M | Section 51— (a) Omit from subsection (1) "president of the board", insert instead "Commission"; (b) Omit from subsection (1) "he", insert instead "it"; (c) Omit from subsection (1) "his", insert instead "its"; (d) Omit from subsection (1) "him", insert instead "it"; (e) Omit from subsection (2) "said president", insert instead "Commission"; (f) Omit from subsection (3) "of the president". | |
| nin of arris is bissimination mol sitt mol sitt arris in sitt ar | tal este V dauge la vil este antieva gari a se li nord na se le 2 de ganera | Section 51A— (a) Omit from subsection (1) the definition of "Director-General"; (b) Omit from subsections (2), (3), (4), (5), (6), (8) "the Director-General" wherever occurring, insert instead "a member of the Commission". | |

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Health Commission.

SCHEDULE—continued.

| Column 1. | | Column 2. | |
|-------------------------------|---|---|--|
| Year and number of Act. | Short title of Act. | Amendment. | |
| 1957, No. 5 | Substances Act, 1957 | Section 3— Omit the definition of "Under Secretary". Section 4— (a) Omit subsection (2) (a), insert instead the following paragraph:— (a) a member of the Health Com mission of New South Wale from time to time nominated by that Commission or an office of that Commission or an office of that Commission from time to time so nominated; and; (b) In subsection (10) after "Public Service" insert "or of the Health Com mission of New South Wales". Section 11— (a) Omit from subsection (1) (a) "Unde Secretary", insert instead "Health Commission of New South Wales (in this section referred to as "the Commission")"; | |
| | . State Pollu- tion Control Commission Act, 1970 | insert instead "Commission". | |

SCHEDULE

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Health Commission.

SCHEDULE—continued.

| Column 1. | | Column 2. | |
|---|---|--|--|
| Year and number of Act. | Short title of Act. | Amendment. | |
| 1970, No. 95— continued | tion Control | Section 18 (2) (e)— Omit the paragraph, insert instead the following paragraph:— (e) one shall be a member of the Health Commission of New South Wales nominated by that Commission or an officer of that Commission so nominated. | |
| 1972, No. 14 | Therapeutic Goods and Cosmetics Act, 1972 | Section 4 (1)— (a) Insert next after the definition of "automatic machine" the following new definition:— "Commission" means the Health Commission of New South Wales constituted under the Health Commission Act, 1972; | |
| ublic Heath". Complesion of Complesion of |) purtment of 1 manad "Health outh Wales", 3? Marever Marever Ster" wherever | (b) Omit the definition of "Under Secretary". Section 7 (2) (a)— Omit the paragraph, insert instead the following paragraph:— (a) a medical practitioner, being a member of the Commission from time to time nominated by the Commission or being an officer of the Commission from time to time so nominated; and. | |
| | | Sections 10 (2); 19; 20 (1); 21; 28; 29; 31 (3) (a); 33 (5); 35; 37; 39; 41 (1); 45; 52— Omit "Under Secretary" wherever occur- ring, insert instead "Commission". Sections 21 (5); 28 (1), (2)— Omit "he" wherever occurring, insert instead "it". | |

SCHEDULS

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Health Commission.

SCHEDULE—continued.

| Column 1. | | Column 2. | | |
|--|---|---|--|--|
| Year and number of Act. | Short title of Act. | Amendment. | | |
| 1972, No. 14 —continued | Therapeutic Goods and Cosmetics Act, 1972— continued | Section 53 (1)— Omit "the Under Secretary", insert instead "a member of the Commission or by an officer of the Commission authorised generally or specially by the Com- mission to do so". | | |
| 1912, No. 21 Trustees Audit Act, 1912 | | Sections 4; 5— Omit "Hospitals Commission" wherever occurring, insert instead "Health Com- mission". | | |
| 1918, No. 46 | Venereal Diseases Act, 1918 | Section 2— Omit the definition of "Minister". Section 9A (1)— Omit "Department of Public Health", insert instead "Health Commission of New South Wales". | | |
| in instand dia nioner, being a e. Commission line ominated bin or being au | -tille, bring add tulleg facilie ne b Halte confittant Robe confit growt | Sections 24; 27- Omit "Minister" wherever occurring, insert instead "Commission". | | |

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SCHEDULE

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Health Commission.

SCHEDULE-continued.

| Column 1. | | Column 2. | |
|-------------------------------|------------------------|------------|--|
| Year and number of Act. | Short title of Act. | Amendment. | |

PART 2.

| 1929, No. 8 | Public tals A | Hospi- ct, 1929 | Sections | 40ва; | 40вв— |
|-------------|------------------|--------------------|----------|-------|-------|
| | | | | | |

Insert next after section 40B the following new sections:-

Determination of conditions of employment of officers and employees of hospitals.

40BA. (1) In this section— "hospital" means any hos-pital whose name is included in the Second Schedule or Third Schedule and includes any associated organisation whose name is included in the Fourth Schedule;

(2) Except in so far as provision is otherwise made by law, the conditions of employment, including salaries, wages or remuneration, of the officers and employees of hospitals shall be as may be determined from time to time by the Commission.

(3) The Commission shall, for the purpose of making any determination under subsection (2) or of any pro-ceedings relating to officers and employees of hospitals, held before a competent tribunal having power to deal with industrial matters within the meaning of the Industrial Arbi-tration Act, 1940, be deemed to be the employee of the officers and employees of hospitals. (4) The Commission may enter into an agree-ment with any association or

Health Commission.

SCHEDULE—continued.

| Column 1. | | Column 2. | | |
|-------------------------------|--|--|--|--|
| Year and number of Act. | Short title of Act. | Amendment. | | |
| 1929, No. 8– continued | - Public Hospi- tals Act, 1929 —continued | | | |
| | noipe colles de noipe colles | remuneration of that class or group. (5) An agreement re ferred to in subsection (4) shal bind all officers and employee | | |
| | inspiral pitates belong schedul schedul | in the class or group affected by the agreement and no such officer or employee, whether a member of the association or organisation with which the agreement was entered into or not, shall have any right o appeal against the terms of the | | |
| | | agreement. (6) Any determination made by the Commission in re spect of a matter referred to in | | |
| | aw, the condition | subsection (2), any order o determination made by a competent tribunal in any pro ceedings referred to in sub section (3), and any agreemen | | |
| | | section (3), and any agreement referred to in subsection (4) shall be given effect to b the hospitals employing th officers and employees. | | |
| | subscilor (2) | (7) Nothing in thi section authorises— (a) the Commission to act as an employer | | |
| | naga ya shihan sewan shihan taja lisia shihan | or (b) any power, authority duty or function to b exercised or performe | | |
| | 1001 Torgains fra 1991 Jak noued aveloring tell ad aveloring tell aveloring tell | by or in relation to th Commission, otherwise than for the purpose of and in accordance with thi section. | | |
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Health Commission.

SCHEDULE—continued.

| Column 1. | | Column 2. | | |
|-------------------------------|---|---|--|--|
| Year and number of Act. | Short title of Act. | Amendment. | | |
| 1929, No. 8— continued | Public Hospi- tals Act, 1929 —continued | Sections 40BA; 40BB—continued Commis- sion "hospital" means any hospital entitled to whose name is included in the certain Second Schedule or Third payments Schedule and includes any under associated organisation whose Local name is included in the Fourth Govern- ment (2) Any moneys that (Super- would but for this subsection be annuation) payable to a hospital under Act, 1927. section 15 or 15 z of the Local Government (Superannuation) Act, 1927, shall be paid to the Commission. (3) The Commission shall, out of the moneys re- ceived by it under subsection (2) in respect of a former con- tributor or a contributor re- ferred to in section 15 v or 15 z of the Local Government (Superannuation) Act, 1927, pay to any person who has been an employer of that former con- tributor, or contributor, and who makes application in writing to the Commission the payment, such part of those moneys as the Commission former contributor, or con tributor, to the Local Govern ment Superannuation Board constituted under that Act. | | |

In the name and on behalf of Her Majesty I assent to this Act.

A. R. CUTLER, Governor.

Government House, Sydney, 23rd November, 1972.

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Health Commission

SCHEDUE - sumitmed

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| Sections 40nvi 40nh++continued | | 199, No. 80, 85 | |
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| Commiss stat (1) In this suction, | bouningar | | |
| ston the "hospital" means any hospital | | | |
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In the name and on behalf of Her Majesty I assent to

N. R. CUTLER. Govern

Government: httping, Swiney, 23rd Aovember, 1972. 1