

*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.*

R. E. WARD,  
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 27 February, 1975.*

## New South Wales



ANNO VICESIMO QUARTO

**ELIZABETHÆ II REGINÆ**

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Act No. , 1975.

An Act to make further provision with respect to the powers, authorities, duties and functions of the Health Commission of New South Wales; for this and other purposes to amend the Health Commission Act, 1972, the New South Wales State Cancer Council Act, 1955, and certain other Acts; and for purposes connected therewith.

BE

70363 239—A

*Health Commission and Other Acts (Amendment).*

**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 and Other Acts (Amendment) Act, 1975". Short title.

2. (1) This section and section 1 shall commence on the date of assent to this Act. Commence-ment.

10 (2) Sections 3 (c), 10 and 11 shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

15 (3) Sections 3 (f), 4, 5 and 6 shall be deemed to have commenced on the day on which Part 1 of the Schedule to the Health Commission Act, 1972, commenced.

(4) Section 7 shall commence on the day on which section 7 (1) of the Public Health (Amendment) Act, 1944, commences.

20 (5) Except as provided in subsections (1), (2), (3) and (4), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

3. The Health Commission Act, 1972, is amended— Amendment of Act No. 63, 1972.

25 (a) by inserting after section 5 (2) the following subsection :— Sec. 5. (Appointment of members.)

30 (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.

(b)

*Health Commission and Other Acts (Amendment).*

5 (b) (i) by inserting in section 6 (1) after the word "appointed" the words ", by the same instrument as, or by a separate instrument from, the instrument by which they are appointed as members";

10 (ii) by inserting in section 6 (2) after the word "appointed" the words ", by the same instrument as, or by a separate instrument from, the instrument by which he was appointed as a member,";

(c) by inserting after section 14 the following sections :—

15 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.

25 (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.

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

(a) the control and governance of servants by the Commission; and

(b)

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*Health Commission and Other Acts (Amendment).*

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5 (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.

10 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. Super-annuation of servants.

15 (d) by inserting after section 21 the following section :— Sec. 21A.

20 21A. (1) The Commission may from time to time with the concurrence of the Treasurer and approval of the Governor borrow money for— Borrowing and repayment of money.

- 25 (a) the purpose of carrying out and performing any of its powers, authorities, duties and functions;
- (b) the renewal of loans;
- (c) the discharge or partial discharge of any loan or any indebtedness to the Treasurer or to any bank; or
- (d) any other purpose of this Act.

30 (2) The due repayment of any money borrowed by the Commission, and the interest thereon, shall be a charge upon the income and revenue of the Commission from whatever source arising and is hereby guaranteed by the Government.

(3)

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*Health Commission and Other Acts (Amendment).*

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(3) Any liability arising under the guarantee given by subsection (2) shall be discharged out of money provided by Parliament.

5 (4) The charge created by subsection (2) shall not prejudice or affect any power of the Commission to sell, lease, exchange or otherwise deal with or dispose of, free of the charge, any property vested in it.

10 (e) by inserting after section 35 the following section :—

15 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.

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

25 (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.

30 (f) (i) by omitting from Part 1 of the Schedule the matter relating to the Newcastle District Abattoir and Sale-yards Act, 1912; Sched. Amendments of Acts.

(ii)

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*Health Commission and Other Acts (Amendment).*

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- 5 (ii) by inserting in paragraph (a) of the matter relating to the Pharmacy Act, 1964, in Column 2 of Part 1 of the Schedule after the words "in subsection (2)" the words "where firstly occurring".
4. The Public Health Act, 1902, is amended by omitting from section 13 the words "by the President or". Amendment of Act No. 30, 1902. Sec. 13. (Inquiries.)
5. The Pure Food Act, 1908, is amended by omitting from section 39 (2) the word "board" and by inserting instead 10 the word "Commission". Amendment of Act No. 31, 1908. Sec. 39. (Forfeiture of food or article.)
6. The Conveyancing Act, 1919, is amended by omitting from the matter distinguished by the figure "7." in Column two of Part II of Schedule IV the words "Board of Health" and by inserting instead the words "Health Commission of 15 New South Wales". Amendment of Act No. 6, 1919. Sched. IV.
7. The Public Health (Amendment) Act, 1944, is amended by omitting from section 7 (1), in section 63A (2) to be inserted in the Public Health Act, 1902, the word "board" and by inserting instead the word "Commission". Amendment of Act No. 16, 1944. Sec. 7. (Further amendment of Act No. 30, 1902. New Part VIA.)
- 20 8. The New South Wales State Cancer Council Act, 1955, is amended by omitting section 5 (1) (a) and by inserting instead the following paragraph :— Amendment of Act No. 25, 1955. Sec. 5. (Members of Council.)
- (a) one shall be a medical practitioner who is—
- (i) a member; or
- (ii)

*Health Commission and Other Acts (Amendment).*

(ii) an officer,  
of the Health Commission of New South Wales  
appointed on the nomination of that Commission;

9. (1) In this section—  
5 “Health Commission” means the Health Commission of  
New South Wales constituted under the Health  
Commission Act, 1972;  
10 “Hospitals Commission” means the Hospitals Commis-  
sion of New South Wales constituted under the  
Public Hospitals Act, 1929.

Applica-  
tion of  
ss. 11 and  
12 of the  
Health  
Commission  
Act, 1972,  
to certain  
members.

(2) For the purposes of sections 11 and 12 of the  
Health Commission Act, 1972, a member of the Health  
Commission who was, immediately before his appointment as  
a member of the Health Commission, a member of the  
15 Hospitals Commission and who had been, prior to his  
appointment as a member of the Hospitals Commission, an  
officer of the Public Service, shall be deemed to have been an  
officer of the Public Service immediately before his  
appointment as a member of the Health Commission.

20 10. (1) In this section—  
“appointed day” means the day appointed and notified  
under section 2 (2);  
25 “Commission” means the Health Commission of New  
South Wales constituted under the Health  
Commission Act, 1972;  
“Linen Service” means The Central West Linen Service,  
Orange;  
“permanent servant” has the meaning ascribed thereto in  
30 the Local Government (Superannuation) Act,  
1927;  
“servant of the Linen Service” means a person who,  
immediately before the appointed day, was a  
servant or employee of the Linen Service.

Dissolution  
of The  
Central  
West Linen  
Service,  
Orange.

*Health Commission and Other Acts (Amendment).*

(2) On the appointed day, the Linen Service is hereby dissolved.

(3) A servant of the Linen Service shall be deemed, on the appointed day, to have been appointed and, on and from that day, to be employed under section 14A of the Health Commission Act, 1972.

(4) A servant of the Linen Service shall retain any rights which have accrued or are accruing to him as a permanent servant and shall continue to contribute to any fund or account and shall be entitled to receive any payment, pension or gratuity as if he had continued, as a servant or employee of the Linen Service, to be a permanent servant.

(5) The Commission, in respect of a servant of the Linen Service, shall pay to the Local Government Superannuation Board such amounts as would have been payable by the Linen Service to the Local Government Superannuation Board in respect of that person if he had remained, as a servant or employee of the Linen Service, a permanent servant and as if he were receiving from the Linen Service the same salary or wages as is or are being paid to him during his service with the Commission.

(6) A servant of the Linen Service shall be paid salary or wages at a rate not less than the rate which was payable to him immediately before the appointed day, subject to any adjustment necessary to give effect to any fluctuation in a basic or minimum wage by reference to which his salary or wages is or are fixed, until the salary or wages payable to him is or are varied or altered pursuant to the award of a competent tribunal or an industrial agreement or by the Commission.

(7) Where any condition of employment of a servant of the Linen Service was, immediately before the appointed day, regulated by an award or industrial agreement, that condition shall continue to be so regulated until an award of a competent tribunal by which the Commission is bound or an industrial agreement is made regulating that condition.

(8)



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*Health Commission and Other Acts (Amendment).*

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(8) The period of service of a servant of the Linen Service with the Linen Service shall be deemed to be service with the Commission for the purposes of annual leave, sick leave or long service leave.

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

(10) On and from the appointed day—

10 (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 Linen Service shall vest in and belong to the Commission ;

15 (b) all moneys and liquidated and unliquidated claims that, immediately before that day, were payable to or recoverable by the Linen Service shall be moneys and liquidated and unliquidated claims payable to or recoverable by the Commission ;

20 (c) all suits, actions and proceedings pending immediately before that day at the suit of the Linen Service shall be respectively suits, actions and proceedings pending at the suit of the Commission and all suits, actions and proceedings so pending at the suit of any person against the Linen Service shall be  
25 respectively suits, 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  
30 given to or by the Linen Service and in force immediately before that day shall be deemed to be

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*Health Commission and Other Acts (Amendment).*

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contracts, agreements, arrangements and undertakings entered into with and securities given to or by the Commission ;

5 (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 suits, actions and proceedings so referred to as the Linen Service might have done but for the amendments effected by this Act ;

10 (f) the Commission may enforce and realise any security or charge existing immediately before that day in favour of the Linen Service and may exercise any powers thereby conferred on the Linen Service as if the security or charge were a security or charge in favour of the Commission ;

15 (g) all debts, moneys and claims, liquidated and unliquidated, that, immediately before that day, were due or payable by, or recoverable against, the Linen Service shall be debts due, moneys payable by and claims recoverable against the Commission ; and

20 (h) all liquidated and unliquidated claims for which the Linen Service would, but for the amendments effected by this Act, have been liable shall be liquidated and unliquidated claims for which the Commission shall be liable.

25 (11) A reference to the Linen Service in any other Act or in any by-law, regulation, statutory instrument or other document, whether of the same or of a different kind, shall be read and construed as a reference to the Commission.

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*Health Commission and Other Acts (Amendment).*

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**11.** The Public Hospitals Act, 1929, is amended—

Amendment  
of Act No.  
8, 1929.  
Fourth  
Schedule.

- (a) by omitting from the First Column of the Fourth Schedule the words "Central West Linen Service, Orange."; and
- 5 (b) by omitting from the Second Column of the Fourth Schedule the words "The Central West Linen Service, Orange.".

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BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1975  
[16c]

Health Commission and Other (Amendment)

11. The Health Commission Act 1972 is amended—

- (a) by omitting from the First Column of the Fourth Schedule the words "Central West Men Service, Orange"; and
- (b) by omitting from the second Column of the Fourth Schedule the words "The Central West Men Service, Orange".

**HEALTH COMMISSION AND OTHER ACTS (AMENDMENT)  
BILL, 1975**

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**EXPLANATORY NOTE**

THE objects of this Bill are—

- (a) to amend the Health Commission Act, 1972, so as—
  - (i) to enable certain powers of the Public Service Board to be delegated to members of the Health Commission of New South Wales (hereinafter called "the Commission");
  - (ii) to enable the appointment of persons as members of the Commission and to certain offices within the Commission by the same instrument or by separate instruments;
  - (iii) to enable the Commission to employ servants to provide the service presently being provided by The Central West Linen Service, Orange, and to supply goods, substances or services for one or more health services;
  - (iv) to enable the Commission to borrow money;
  - (v) to enable the Commission to be represented on various statutory bodies by persons who are neither members nor officers of the Commission;
- (b) to amend the Public Health Act, 1902, the Conveyancing Act, 1919, and the Public Health (Amendment) Act, 1944, in consequence of the constitution of the Commission;
- (c) to amend the New South Wales State Cancer Council Act, 1955, to provide for the representation of the Commission on the New South Wales State Cancer Council;
- (d) to make further provision for the preservation of rights of certain persons appointed as members of the Commission who were formerly public servants;
- (e) to preserve the rights of those persons employed by The Central West Linen Service, Orange, on their employment by the Commission;
- (f) to amend the Public Hospitals Act, 1929, in consequence of conferring on the Commission the power referred to in paragraph (a) (iii); and
- (g) to make other provisions of a minor, consequential or ancillary character.



PROOF

No. , 1975.

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## A BILL

To make further provision with respect to the powers, authorities, duties and functions of the Health Commission of New South Wales; for this and other purposes to amend the Health Commission Act, 1972, the New South Wales State Cancer Council Act, 1955, and certain other Acts; and for purposes connected therewith.

[MR HEALEY—19 February, 1975.]

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BE

*Health Commission and Other Acts (Amendment).*

5 **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 and Other Acts (Amendment) Act, 1975". Short title.

2. (1) This section and section 1 shall commence on the date of assent to this Act. Commence-ment.

10 (2) Sections 3 (c), 10 and 11 shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

15 (3) Sections 3 (f), 4, 5 and 6 shall be deemed to have commenced on the day on which Part 1 of the Schedule to the Health Commission Act, 1972, commenced.

(4) Section 7 shall commence on the day on which section 7 (1) of the Public Health (Amendment) Act, 1944, commences.

20 (5) Except as provided in subsections (1), (2), (3) and (4), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

3. The Health Commission Act, 1972, is amended— Amendment of Act No. 63, 1972.

25 (a) by inserting after section 5 (2) the following subsection:— Sec. 5. (Appointment of members.)

30 (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.

(b)



*Health Commission and Other Acts (Amendment).*

5 (b) (i) by inserting in section 6 (1) after the word "appointed" the words "Sec. 6.  
"appointed" the words "by the same (Members to  
instrument as, or by a separate instrument be appointed  
from, the instrument by which they are to specified  
appointed as members"; offices.)

10 (ii) by inserting in section 6 (2) after the word "appointed" the words "by the same  
instrument as, or by a separate instrument  
from, the instrument by which he was  
appointed as a member,";

(c) by inserting after section 14 the following Secs. 14A,  
sections :— 14B.

15 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 Servants of  
of services, for one or more health services if the the Com-  
appointment and employment by the Commission mission.  
of servants for that purpose is first approved by the  
Public Service Board appointed under the Public  
20 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.

25 (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.

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

(a) the control and governance of servants by the Commission; and

(b)

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*Health Commission and Other Acts (Amendment).*

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5 (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.

10 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. Super-annuation of servants.

15 (d) by inserting after section 21 the following Sec. 21A. section :—

20 21A. (1) The Commission may from time to time with the concurrence of the Treasurer and approval of the Governor borrow money for— Borrowing and repayment of money.

(a) the purpose of carrying out and performing any of its powers, authorities, duties and functions;

(b) the renewal of loans;

25 (c) the discharge or partial discharge of any loan or any indebtedness to the Treasurer or to any bank; or

(d) any other purpose of this Act.

30 (2) The due repayment of any money borrowed by the Commission, and the interest thereon, shall be a charge upon the income and revenue of the Commission from whatever source arising and is hereby guaranteed by the Government.

(3)

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*Health Commission and Other Acts (Amendment).*

---

(3) Any liability arising under the guarantee given by subsection (2) shall be discharged out of money provided by Parliament.

5 (4) The charge created by subsection (2) shall not prejudice or affect any power of the Commission to sell, lease, exchange or otherwise deal with or dispose of, free of the charge, any property vested in it.

10 (e) by inserting after section 35 the following section :—

15 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.

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

25 (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.

30 (f) (i) by omitting from Part 1 of the Schedule the matter relating to the Newcastle District Abattoir and Sale-yards Act, 1912;

Sched. Amendments of Acts.

(ii)

*Health Commission and Other Acts (Amendment).*

- 5 (ii) by inserting in paragraph (a) of the matter relating to the Pharmacy Act, 1964, in Column 2 of Part 1 of the Schedule after the words "in subsection (2)" the words "where firstly occurring".
4. The Public Health Act, 1902, is amended by omitting from section 13 the words "by the President or". Amendment of Act No. 30, 1902.  
Sec. 13.  
(Inquiries.)
- 10 5. The Pure Food Act, 1908, is amended by omitting from section 39 (2) the word "board" and by inserting instead the word "Commission". Amendment of Act No. 31, 1908.  
Sec. 39.  
(Forfeiture of food or article.)
- 15 6. The Conveyancing Act, 1919, is amended by omitting from the matter distinguished by the figure "7." in Column two of Part II of Schedule IV the words "Board of Health" and by inserting instead the words "Health Commission of New South Wales". Amendment of Act No. 6, 1919.  
Sched. IV.
7. The Public Health (Amendment) Act, 1944, is amended by omitting from section 7 (1), in section 63A (2) to be inserted in the Public Health Act, 1902, the word "board" and by inserting instead the word "Commission". Amendment of Act No. 16, 1944.  
Sec. 7.  
(Further amendment of Act No. 30, 1902.  
New Part VI.A.)
- 20 8. The New South Wales State Cancer Council Act, 1955, is amended by omitting section 5 (1) (a) and by inserting instead the following paragraph :— Amendment of Act No. 25, 1955.  
Sec. 5.  
(Members of Council.)
- (a) one shall be a medical practitioner who is—
- (i) a member; or
- (ii)

*Health Commission and Other Acts (Amendment).*

(ii) an officer,  
of the Health Commission of New South Wales  
appointed on the nomination of that Commission;

9. (1) In this section—

5 “Health Commission” means the Health Commission of  
New South Wales constituted under the Health  
Commission Act, 1972;

Applica-  
tion of  
ss. 11 and  
12 of the  
Health  
Commission  
Act, 1972,  
to certain  
members.

10 “Hospitals Commission” means the Hospitals Commis-  
sion of New South Wales constituted under the  
Public Hospitals Act, 1929.

(2) For the purposes of sections 11 and 12 of the  
Health Commission Act, 1972, a member of the Health  
Commission who was, immediately before his appointment as  
a member of the Health Commission, a member of the  
15 Hospitals Commission and who had been, prior to his  
appointment as a member of the Hospitals Commission, an  
officer of the Public Service, shall be deemed to have been an  
officer of the Public Service immediately before his  
appointment as a member of the Health Commission.

20 10. (1) In this section—

“appointed day” means the day appointed and notified  
under section 2 (2);

Dissolution  
of The  
Central  
West Linen  
Service,  
Orange.

25 “Commission” means the Health Commission of New  
South Wales constituted under the Health  
Commission Act, 1972;

“Linen Service” means The Central West Linen Service,  
Orange;

30 “permanent servant” has the meaning ascribed thereto in  
the Local Government (Superannuation) Act,  
1927;

“servant of the Linen Service” means a person who,  
immediately before the appointed day, was a  
servant or employee of the Linen Service.

(2)

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*Health Commission and Other Acts (Amendment).*

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(2) On the appointed day, the Linen Service is hereby dissolved.

(3) A servant of the Linen Service shall be deemed, on the appointed day, to have been appointed and, on and 5 from that day, to be employed under section 14A of the Health Commission Act, 1972.

(4) A servant of the Linen Service shall retain any rights which have accrued or are accruing to him as a permanent servant and shall continue to contribute to any 10 fund or account and shall be entitled to receive any payment, pension or gratuity as if he had continued, as a servant or employee of the Linen Service, to be a permanent servant.

(5) The Commission, in respect of a servant of the Linen Service, shall pay to the Local Government Super- 15 annuation Board such amounts as would have been payable by the Linen Service to the Local Government Superannuation Board in respect of that person if he had remained, as a servant or employee of the Linen Service, a permanent servant and as if he were receiving from the Linen Service the same 20 salary or wages as is or are being paid to him during his service with the Commission.

(6) A servant of the Linen Service shall be paid salary or wages at a rate not less than the rate which was payable to him immediately before the appointed day, subject 25 to any adjustment necessary to give effect to any fluctuation in a basic or minimum wage by reference to which his salary or wages is or are fixed, until the salary or wages payable to him is or are varied or altered pursuant to the award of a competent tribunal or an industrial agreement or by the 30 Commission.

(7) Where any condition of employment of a servant of the Linen Service was, immediately before the appointed day, regulated by an award or industrial agreement, that condition shall continue to be so regulated until an award of a 35 competent tribunal by which the Commission is bound or an industrial agreement is made regulating that condition.

(8)

*Health Commission and Other Acts (Amendment).*

(8) The period of service of a servant of the Linen Service with the Linen Service shall be deemed to be service with the Commission for the purposes of annual leave, sick leave or long service leave.

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

(10) On and from the appointed day—

10 (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 Linen Service shall vest in and belong to the Commission ;

15 (b) all moneys and liquidated and unliquidated claims that, immediately before that day, were payable to or recoverable by the Linen Service shall be moneys and liquidated and unliquidated claims payable to or recoverable by the Commission ;

20 (c) all suits, actions and proceedings pending immediately before that day at the suit of the Linen Service shall be respectively suits, actions and proceedings pending at the suit of the Commission and all suits, actions and proceedings so pending at the suit of any person against the Linen Service shall be  
25 respectively suits, actions and proceedings pending at the suit of that person against the Commission ;

(d) all contracts, agreements, arrangements and under-  
30 takings entered into with and all securities lawfully given to or by the Linen Service and in force immediately before that day shall be deemed to be

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*Health Commission and Other Acts (Amendment).*

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contracts, agreements, arrangements and undertakings entered into with and securities given to or by the Commission ;

5 (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 suits, actions and proceedings so referred to as the Linen Service might have done but for the amendments effected by this Act ;

10 (f) the Commission may enforce and realise any security or charge existing immediately before that day in favour of the Linen Service and may exercise any powers thereby conferred on the Linen Service as if the security or charge were a security or charge in favour of the Commission ;

15 (g) all debts, moneys and claims, liquidated and unliquidated, that, immediately before that day, were due or payable by, or recoverable against, the Linen Service shall be debts due, moneys payable by and claims recoverable against the Commission ; and

20 (h) all liquidated and unliquidated claims for which the Linen Service would, but for the amendments effected by this Act, have been liable shall be liquidated and unliquidated claims for which the Commission shall be liable.

25 (11) A reference to the Linen Service in any other Act or in any by-law, regulation, statutory instrument or other document, whether of the same or of a different kind, shall be read and construed as a reference to the Commission.



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*Health Commission and Other Acts (Amendment).*

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11. The Public Hospitals Act, 1929, is amended—

Amendment  
of Act No.  
8, 1929.  
Fourth  
Schedule.

(a) by omitting from the First Column of the Fourth Schedule the words "Central West Linen Service, Orange."; and

5 (b) by omitting from the Second Column of the Fourth Schedule the words "The Central West Linen Service, Orange."

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BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1975

Public Commission and Other Law Amendments.

11. The Public Hospital Act, 1928, is amended—

- (a) by omitting from the First Column of the Fourth Schedule the words "Central West Line Services Orange" and
- (b) by omitting from the Second Column of the Fourth Schedule the words "The Central West Line Services Orange".

*I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.*

**R. E. WARD,**  
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 11 March, 1975.*

## **New South Wales**



ANNO VICESIMO QUARTO

**ELIZABETHÆ II REGINÆ**

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**Act No. 8, 1975.**

An Act to make further provision with respect to the powers, authorities, duties and functions of the Health Commission of New South Wales; for this and other purposes to amend the Health Commission Act, 1972, the New South Wales State Cancer Council Act, 1955, and certain other Acts; and for purposes connected therewith. [Assented to, 4th April, 1975.]

**BE**

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

**H. G. COATES,**  
*Acting Chairman of Committees of the Legislative Assembly.*

*Health Commission and Other Acts (Amendment).*

**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 and Other Acts (Amendment) Act, 1975".

Commence-      **2.** (1) This section and section 1 shall commence on the  
ment.            date of assent to this Act.

(2) Sections 3 (c), 10 and 11 shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

(3) Sections 3 (f), 4, 5 and 6 shall be deemed to have commenced on the day on which Part 1 of the Schedule to the Health Commission Act, 1972, commenced.

(4) Section 7 shall commence on the day on which section 7 (1) of the Public Health (Amendment) Act, 1944, commences.

(5) Except as provided in subsections (1), (2), (3) and (4), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Amendment  
of Act No.  
63, 1972.

**3.** The Health Commission Act, 1972, is amended—

Sec. 5.  
(Appoint-  
ment of  
members.)

(a) by inserting after section 5 (2) the following subsection :—

(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.

(b)

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*Health Commission and Other Acts (Amendment).*

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(b) (i) by inserting in section 6 (1) after the word "appointed" the words "by the same instrument as, or by a separate instrument from, the instrument by which they are appointed as members"; Sec. 6. (Members to be appointed to specified offices.)

(ii) by inserting in section 6 (2) after the word "appointed" the words "by the same instrument as, or by a separate instrument from, the instrument by which he was appointed as a member,";

(c) by inserting after section 14 the following sections :— Secs. 14A, 14B.

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. Servants of the Commission.

(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)

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*Health Commission and Other Acts (Amendment).*

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- (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.

Super-  
annuation of  
servants.

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.

Sec. 21A.

- (d) by inserting after section 21 the following section :—

Borrowing  
and repay-  
ment of  
money.

21A. (1) The Commission may from time to time with the concurrence of the Treasurer and approval of the Governor borrow money for—

- (a) the purpose of carrying out and performing any of its powers, authorities, duties and functions;
- (b) the renewal of loans;
- (c) the discharge or partial discharge of any loan or any indebtedness to the Treasurer or to any bank; or
- (d) any other purpose of this Act.

(2) The due repayment of any money borrowed by the Commission, and the interest thereon, shall be a charge upon the income and revenue of the Commission from whatever source arising and is hereby guaranteed by the Government.

(3)

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*Health Commission and Other Acts (Amendment).*

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(3) Any liability arising under the guarantee given by subsection (2) shall be discharged out of money provided by Parliament.

(4) The charge created by subsection (2) shall not prejudice or affect any power of the Commission to sell, lease, exchange or otherwise deal with or dispose of, free of the charge, any property vested in it.

(e) by inserting after section 35 the following section :—

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.

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

(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.

(f) (i) by omitting from Part 1 of the Schedule the matter relating to the Newcastle District Abattoir and Sale-yards Act, 1912;

Sched. Amendments of Acts.

(ii)

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*Health Commission and Other Acts (Amendment).*

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(ii) by inserting in paragraph (a) of the matter relating to the Pharmacy Act, 1964, in Column 2 of Part 1 of the Schedule after the words "in subsection (2)" the words "where firstly occurring".

Amendment of Act No. 30, 1902.  
Sec. 13.  
(Inquiries.)

**4.** The Public Health Act, 1902, is amended by omitting from section 13 the words "by the President or".

Amendment of Act No. 31, 1908.  
Sec. 39.  
(Forfeiture of food or article.)

**5.** The Pure Food Act, 1908, is amended by omitting from section 39 (2) the word "board" and by inserting instead the word "Commission".

Amendment of Act No. 6, 1919.  
Sched. IV.

**6.** The Conveyancing Act, 1919, is amended by omitting from the matter distinguished by the figure "7." in Column two of Part II of Schedule IV the words "Board of Health" and by inserting instead the words "Health Commission of New South Wales".

Amendment of Act No. 16, 1944.  
Sec. 7.  
(Further amendment of Act No. 30, 1902.  
New Part VIA.)

**7.** The Public Health (Amendment) Act, 1944, is amended by omitting from section 7 (1), in section 63A (2) to be inserted in the Public Health Act, 1902, the word "board" and by inserting instead the word "Commission".

Amendment of Act No. 25, 1955.  
Sec. 5.  
(Members of Council.)

**8.** The New South Wales State Cancer Council Act, 1955, is amended by omitting section 5 (1) (a) and by inserting instead the following paragraph:—

(a) one shall be a medical practitioner who is—

(i) a member; or

(ii)



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*Health Commission and Other Acts (Amendment).*

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(ii) an officer,  
of the Health Commission of New South Wales  
appointed on the nomination of that Commission;

9. (1) In this section—

“Health Commission” means the Health Commission of  
New South Wales constituted under the Health  
Commission Act, 1972;

“Hospitals Commission” means the Hospitals Commis-  
sion of New South Wales constituted under the  
Public Hospitals Act, 1929.

Applica-  
tion of  
ss. 11 and  
12 of the  
Health  
Commission  
Act, 1972,  
to certain  
members.

(2) For the purposes of sections 11 and 12 of the  
Health Commission Act, 1972, a member of the Health  
Commission who was, immediately before his appointment as  
a member of the Health Commission, a member of the  
Hospitals Commission and who had been, prior to his  
appointment as a member of the Hospitals Commission, an  
officer of the Public Service, shall be deemed to have been an  
officer of the Public Service immediately before his  
appointment as a member of the Health Commission.

10. (1) In this section—

“appointed day” means the day appointed and notified  
under section 2 (2);

“Commission” means the Health Commission of New  
South Wales constituted under the Health  
Commission Act, 1972;

“Linen Service” means The Central West Linen Service,  
Orange;

“permanent servant” has the meaning ascribed thereto in  
the Local Government (Superannuation) Act,  
1927;

“servant of the Linen Service” means a person who,  
immediately before the appointed day, was a  
servant or employee of the Linen Service.

Dissolution  
of The  
Central  
West Linen  
Service,  
Orange.

(2)

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*Health Commission and Other Acts (Amendment).*

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(2) On the appointed day, the Linen Service is hereby dissolved.

(3) A servant of the Linen Service shall be deemed, on the appointed day, to have been appointed and, on and from that day, to be employed under section 14A of the Health Commission Act, 1972.

(4) A servant of the Linen Service shall retain any rights which have accrued or are accruing to him as a permanent servant and shall continue to contribute to any fund or account and shall be entitled to receive any payment, pension or gratuity as if he had continued, as a servant or employee of the Linen Service, to be a permanent servant.

(5) The Commission, in respect of a servant of the Linen Service, shall pay to the Local Government Superannuation Board such amounts as would have been payable by the Linen Service to the Local Government Superannuation Board in respect of that person if he had remained, as a servant or employee of the Linen Service, a permanent servant and as if he were receiving from the Linen Service the same salary or wages as is or are being paid to him during his service with the Commission.

(6) A servant of the Linen Service shall be paid salary or wages at a rate not less than the rate which was payable to him immediately before the appointed day, subject to any adjustment necessary to give effect to any fluctuation in a basic or minimum wage by reference to which his salary or wages is or are fixed, until the salary or wages payable to him is or are varied or altered pursuant to the award of a competent tribunal or an industrial agreement or by the Commission.

(7) Where any condition of employment of a servant of the Linen Service was, immediately before the appointed day, regulated by an award or industrial agreement, that condition shall continue to be so regulated until an award of a competent tribunal by which the Commission is bound or an industrial agreement is made regulating that condition.

(8)

(8)

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*Health Commission and Other Acts (Amendment).*

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(8) The period of service of a servant of the Linen Service with the Linen Service shall be deemed to be service with the Commission for the purposes of annual leave, sick leave or long service leave.

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

(10) 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 Linen Service 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 Linen Service shall be moneys and liquidated and unliquidated claims payable to or recoverable by the Commission ;
- (c) all suits, actions and proceedings pending immediately before that day at the suit of the Linen Service shall be respectively suits, actions and proceedings pending at the suit of the Commission and all suits, actions and proceedings so pending at the suit of any person against the Linen Service shall be respectively suits, 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 Linen Service and in force immediately before that day shall be deemed to be

contracts,

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*Health Commission and Other Acts (Amendment).*

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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 suits, actions and proceedings so referred to as the Linen Service might have done but for the amendments effected by this Act;

(f) the Commission may enforce and realise any security or charge existing immediately before that day in favour of the Linen Service and may exercise any powers thereby conferred on the Linen Service 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 Linen Service shall be debts due, moneys payable by and claims recoverable against the Commission; and

(h) all liquidated and unliquidated claims for which the Linen Service would, but for the amendments effected by this Act, have been liable shall be liquidated and unliquidated claims for which the Commission shall be liable.

(11) A reference to the Linen Service in any other Act or in any by-law, regulation, statutory instrument or other document, whether of the same or of a different kind, shall be read and construed as a reference to the Commission.

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*Health Commission and Other Acts (Amendment).*

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- 11.** The Public Hospitals Act, 1929, is amended—
- (a) by omitting from the First Column of the Fourth Schedule the words “Central West Linen Service, Orange.”; and
- (b) by omitting from the Second Column of the Fourth Schedule the words “The Central West Linen Service, Orange.”.

Amendment  
of Act No.  
8, 1929.  
Fourth  
Schedule.

*In the name and on behalf of Her Majesty I assent to this Act.*

A. R. CUTLER,  
Governor.

*Government House,  
Sydney, 4th April, 1975.*

Health (containing and other (Kaiser's))

11. The Public Health Act, 1929, is amended—

(a) by adding to the First Column of the Fourth

Schedule the words "Public Health Service

Officers"; and

(b) by adding to the Second Column of the Fourth

Schedule the words "The Council, West London

Sanitary Authority".

In the name and on behalf of His Majesty's Government in this

Act

A. R. CLIFTON

Secretary

Government House

London, W.C.2