

HEALTH COMMISSION (AMENDMENT) BILL, 1978

EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The objects of this Bill are—

- (a) to remove the requirement contained in section 6 (1) of the Health Commission Act, 1972, that the 5 members of the Health Commission must each be appointed to a designated office and replace it with a requirement that one member be appointed as Chairman and another as Deputy Chairman (Schedule 1 (2));
 - (b) to preserve the requirement that at least 2 of those members must be medical practitioners (Schedule 1 (1));
 - (c) to amend the Health Commission Act, 1972, by way of statute law revision (Schedule 2);
 - (d) to make savings and transitional provisions (Schedule 3); and
 - (e) to make other provisions of a consequential or ancillary nature.
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HEALTH COMMISSION (AMENDMENT) BILL, 1978

No. , 1978.

A BILL FOR

An Act to amend the Health Commission Act, 1972, with respect to the membership of the Health Commission of New South Wales, and for certain other purposes.

[MR K. J. STEWART—15 *November*, 1978.]

Health Commission (Amendment).

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 :—

5 **1.** This Act may be cited as the “Health Commission Short title.
(Amendment) Act, 1978”.

2. (1) Except as provided in subsection (2), this Act shall Commence-
commence on the date of assent to this Act. ment.

 (2) Schedule 1, and section 5 in its application to Schedule
10 **1,** 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 referred to in this Principal
Act as the Act. Principal Act.

15 **4.** This Act contains the following Schedules. Schedules :—

**SCHEDULE 1.—AMENDMENTS TO THE PRINCIPAL ACT
RELATING TO THE MEMBERSHIP OF THE HEALTH
COMMISSION.**

20 **SCHEDULE 2.—AMENDMENTS TO THE PRINCIPAL ACT BY
WAY OF STATUTE LAW REVISION.**

SCHEDULE 3.—SAVINGS AND TRANSITIONAL PROVISIONS.

Health Commission (Amendment).

5. The Principal Act is amended in the manner set forth in Schedules 1 and 2. Amendment of Act No. 63, 1972.

6. Schedule 3 has effect. Savings and transitional provisions.

SCHEDULE 1.

Sec. 5.

5 AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE MEMBERSHIP OF THE HEALTH COMMISSION. 01

(1) (a) Section 5 (1)—

Omit "members", insert instead "commissioners".

(b) Section 5 (4), (5)—

10 After section 5 (3), insert :—

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

15 (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. 21

(2) Section 6—

20 Omit the section, insert instead :— 02

6. Subject to section 8, of the members—

(a) one shall be appointed as the Chairman of the Commission; and

Chairman and Deputy Chairman.

Health Commission (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
MEMBERSHIP OF THE HEALTH COMMISSION—*continued.*

- 5 (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.
- (3) (a) Section 7 (5)—
10 Omit “, referred to in section 6 (1),”.
- (b) Section 7 (6)—
Omit “, referred to in section 6 (1), of”, insert instead
“of the member appointed as”.
-

SCHEDULE 2.

Sec. 5.

15 AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE
LAW REVISION.

- (1) Section 7 (8)—
Omit the subsection.
- (2) (a) Section 10 (1) (e)—
20 Omit “temporary patient or”, insert instead
“temporary patient,”.
- (b) Section 10 (1) (e)—
Omit “detention,”, insert instead “detention”.

Health Commission (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE
LAW REVISION—*continued.*

(3) Section 14 (1)—

5 Omit the subsection, insert instead :—

(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
10 other Act may be appointed and employed under and
subject to the Public Service Act, 1902.

(4) Section 17—

Omit the section.

(5) Section 26 (c)—

Omit “or employee”, insert instead “, employee or servant”.

15 (6) Section 28—

Omit “other officer or employee”, insert instead “officer,
employee or servant”.

(7) Section 33 (2) (a)—

Omit the paragraph.

20 (8) Schedule, Part 1—

Omit the matter relating to the King George V and Queen
Mary Maternal and Infant Welfare Foundation Act, 1937.

Health Commission (Amendment).

SCHEDULE 3.

Sec. 6.

SAVINGS AND TRANSITIONAL PROVISIONS.

1. In this Schedule, "Commission" means the Health Commission of New South Wales.

5 2. The persons holding office as members of the Commission immediately before the commencement of Schedule 1—

(a) shall be deemed to have been appointed, upon that commencement, as commissioners under the Principal Act, as amended by this Act;

10 (b) shall be deemed to have been so appointed for the balance of the term for which they were respectively last appointed as members of the Commission; and

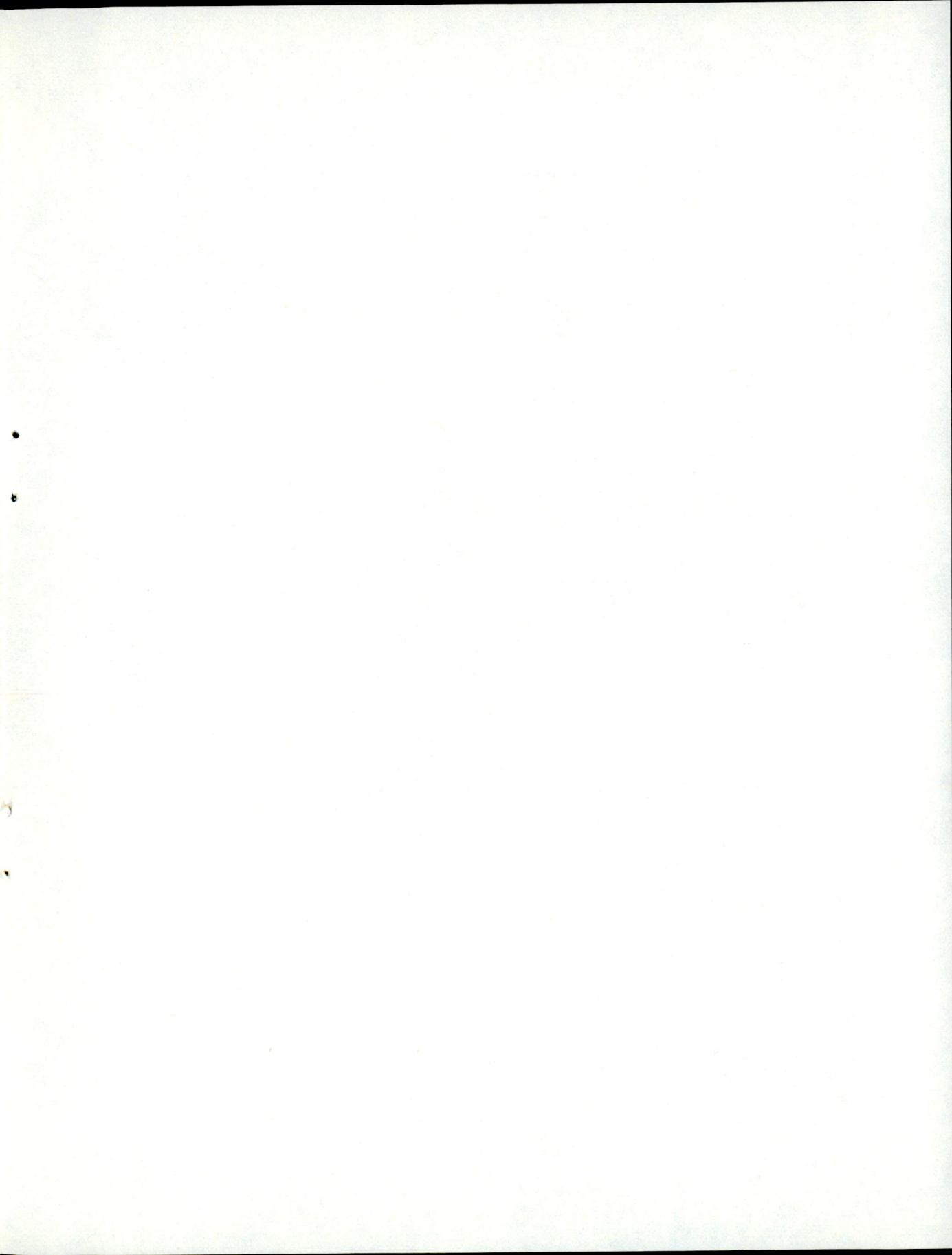
(c) shall, subject to clause 3, cease, upon that commencement, to hold the offices referred to in section 6 (1) of
15 the Principal Act.

3. The persons holding office as the Chairman and the Deputy Chairman of the Commission immediately before the commencement of Schedule 1 shall be deemed to have been appointed, upon that commencement, as the Chairman and the Deputy Chairman,
20 respectively, under section 6 of the Principal Act, as amended by this Act.

4. 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, to a member of the Commission
25 by reference to an office referred to in section 6 (1) (b), (c), (d) or (e) of the Principal Act shall, as from the commencement of Schedule 1, be read and construed as a reference to any of the members of the Commission, other than the Chairman.

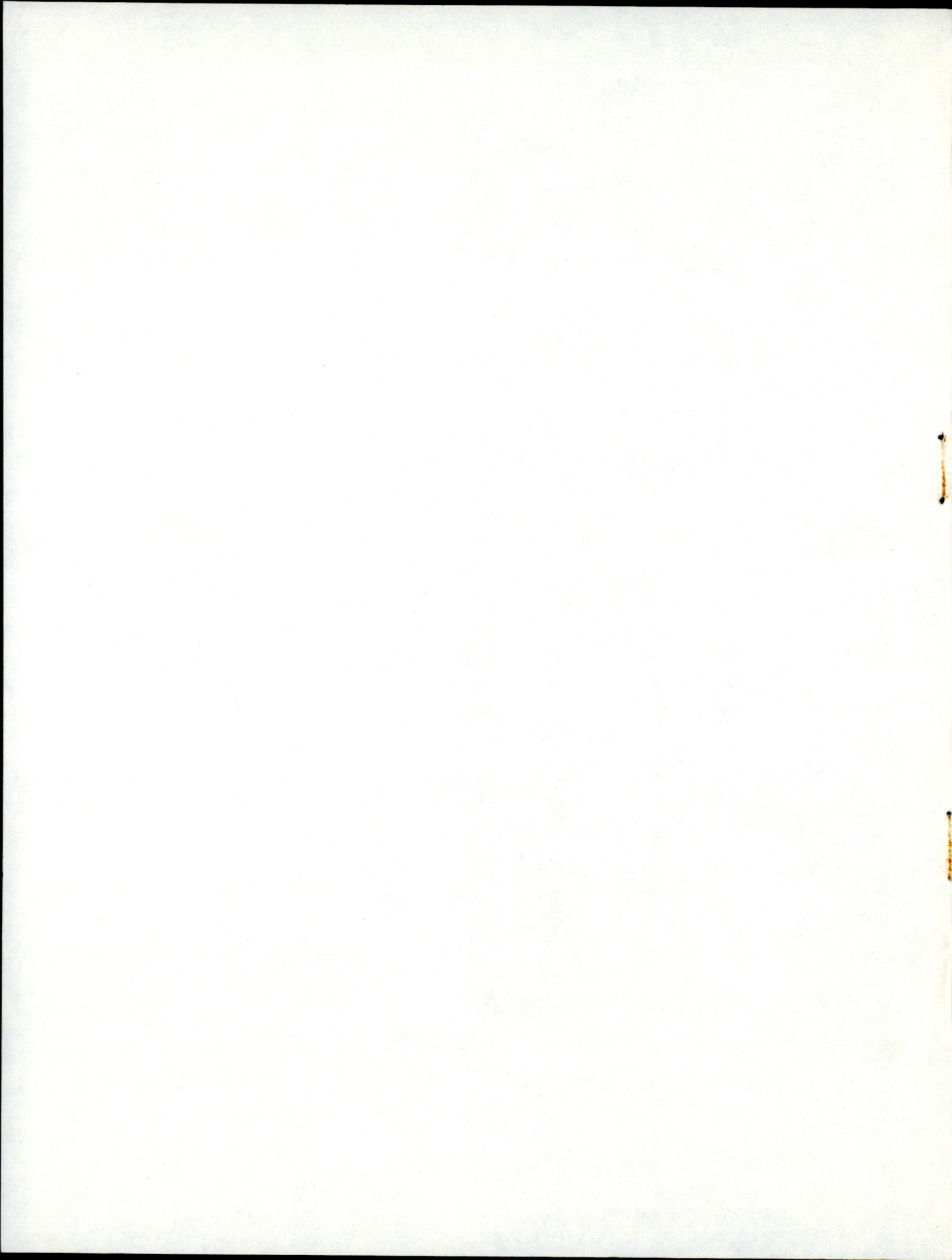
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**HEALTH COMMISSION (AMENDMENT) ACT,
1978, No. 110**

New South Wales



ANNO VICESIMO SEPTIMO

ELIZABETHÆ II REGINÆ

Act No. 110, 1978.

An Act to amend the Health Commission Act, 1972, with respect to the membership of the Health Commission of New South Wales, and for certain other purposes. [Assented to, 20th December, 1978.]

Health Commission (Amendment).

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 (Amendment) Act, 1978".

Commence-
ment. **2.** (1) Except as provided in subsection (2), this Act shall commence on the date of assent to this Act.

(2) Schedule 1, and section 5 in its application to Schedule 1, 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.

Principal Act. **3.** The Health Commission Act, 1972, is referred to in this Act as the Principal Act.

Schedules. **4.** This Act contains the following Schedules :—

SCHEDULE 1.—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE MEMBERSHIP OF THE HEALTH COMMISSION.

SCHEDULE 2.—AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION.

SCHEDULE 3.—SAVINGS AND TRANSITIONAL PROVISIONS.

Health Commission (Amendment).

5. The Principal Act is amended in the manner set forth in Schedules 1 and 2. Amendment
of Act No.
63, 1972.

6. Schedule 3 has effect.

Savings and
transitional
provisions.

SCHEDULE 1.

Sec. 5.

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
MEMBERSHIP OF THE HEALTH COMMISSION.

(1) (a) Section 5 (1)—

Omit “members”, insert instead “commissioners”.

(b) Section 5 (4), (5)—

After section 5 (3), insert :—

(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.

(2) Section 6—

Omit the section, insert instead :—

6. Subject to section 8, of the members—

(a) one shall be appointed as the Chairman of the Commission; and

Chairman
and Deputy
Chairman.

Health Commission (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
MEMBERSHIP OF THE HEALTH COMMISSION—*continued.*

- (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.
- (3) (a) Section 7 (5)—
Omit “, referred to in section 6 (1),”.
- (b) Section 7 (6)—
Omit “, referred to in section 6 (1), of”, insert instead
“of the member appointed as”.

Sec. 5.

SCHEDULE 2.

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE
LAW REVISION.

- (1) Section 7 (8)—
Omit the subsection.
- (2) (a) Section 10 (1) (e)—
Omit “temporary patient or”, insert instead
“temporary patient,”.
- (b) Section 10 (1) (e)—
Omit “detention,”, insert instead “detention”.

Health Commission (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE
LAW REVISION—*continued.*

(3) Section 14 (1)—

Omit the subsection, insert instead :—

(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.

(4) Section 17—

Omit the section.

(5) Section 26 (c)—

Omit “or employee”, insert instead “, employee or servant”.

(6) Section 28—

Omit “other officer or employee”, insert instead “officer, employee or servant”.

(7) Section 33 (2) (a)—

Omit the paragraph.

(8) Schedule, Part 1—

Omit the matter relating to the King George V and Queen Mary Maternal and Infant Welfare Foundation Act, 1937.

Health Commission (Amendment).

Sec. 6.

SCHEDULE 3.

SAVINGS AND TRANSITIONAL PROVISIONS.

1. In this Schedule, "Commission" means the Health Commission of New South Wales.

2. The persons holding office as members of the Commission immediately before the commencement of Schedule 1—

- (a) shall be deemed to have been appointed, upon that commencement, as commissioners under the Principal Act, as amended by this Act;
- (b) shall be deemed to have been so appointed for the balance of the term for which they were respectively last appointed as members of the Commission; and
- (c) shall, subject to clause 3, cease, upon that commencement, to hold the offices referred to in section 6 (1) of the Principal Act.

3. The persons holding office as the Chairman and the Deputy Chairman of the Commission immediately before the commencement of Schedule 1 shall be deemed to have been appointed, upon that commencement, as the Chairman and the Deputy Chairman, respectively, under section 6 of the Principal Act, as amended by this Act.

4. 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, to a member of the Commission by reference to an office referred to in section 6 (1) (b), (c), (d) or (e) of the Principal Act shall, as from the commencement of Schedule 1, be read and construed as a reference to any of the members of the Commission, other than the Chairman.

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

A. R. CUTLER,
Governor.

*Government House,
Sydney, 20th December, 1978.*



