

**NEW SOUTH WALES STATE CANCER COUNCIL
(AMENDMENT) ACT, 1982, No. 36**

New South Wales



ANNO TRICESIMO PRIMO

ELIZABETHÆ II REGINÆ

Act No. 36, 1982.

An Act to amend the New South Wales State Cancer Council Act, 1955, to reconstitute the New South Wales State Cancer Council; and for other purposes. [Assented to, 5th May, 1982.]

New South Wales State Cancer Council (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 "New South Wales State Cancer Council (Amendment) Act, 1982".

Commencement.

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

(2) Except as provided in subsection (1), 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.

Principal Act.

3. The New South Wales State Cancer Council Act, 1955, 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 CONSTITUTION OF THE COUNCIL.

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

SCHEDULE 3.—SAVINGS, TRANSITIONAL AND OTHER PROVISIONS.

New South Wales State Cancer Council (Amendment).

Amendment of Act No. 25, 1955.

5. The Principal Act is amended in the manner set forth in Schedules 1 and 2.

Savings, transitional and other provisions.

6. Schedule 3 has effect.

SCHEDULE 1.

(Sec. 5.)

**AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
CONSTITUTION OF THE COUNCIL.**

(1) (a) Section 5 (1)—

Omit the subsection, insert instead:—

(1) The Council shall consist of 9 members appointed by the Governor, of whom—

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

(i) a commissioner; or

(ii) an officer,

of the Health Commission of New South Wales nominated by that Commission;

(b) one shall be a professor in the Faculty of Medicine in the University of Sydney nominated by the Senate of that University;

(c) one shall be a professor in the Faculty of Medicine in the University of New South Wales nominated by the Council of that University;

New South Wales State Cancer Council (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
CONSTITUTION OF THE COUNCIL—*continued.*

- (d) one shall be a professor in the Faculty of Medicine in the University of Newcastle nominated by the Council of that University;
- (e) one shall be a business executive nominated by the Minister;
- (f) one shall be a person nominated by the Minister to represent industrial interests;
- (g) one shall be a person nominated by The New South Wales Branch of the Australian Medical Association;
- (h) one shall be a barrister admitted by, or solicitor of, the Supreme Court nominated by the Minister; and
- (i) one shall be a person nominated by the Minister.

(b) Section 5 (2)—

Omit “The members of the Council appointed by the Governor”, insert instead “A member”.

(c) Section 5 (3)—

Omit “, as may be prescribed”, insert instead “as may be determined by the Minister in respect of him”.

(2) Section 6 (2)—

Omit “, other than the chairman,”.

(3) Section 7—

Omit “appointed by the Governor”.

New South Wales State Cancer Council (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
CONSTITUTION OF THE COUNCIL—*continued.*

(4) Section 8—

Omit the section, insert instead:—

Chairman and deputy chairman.

8. (1) One of the members (other than the member referred to in section 5 (1) (a)) shall, by the instrument of his appointment or by another instrument executed by the Governor, be appointed as the chairman of the Council.

(2) The member referred to in section 5 (1) (a) shall be the deputy chairman of the Council.

SCHEDULE 2.

(Sec. 5.)

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

(1) (a) Section 5 (3)—

Omit “, or any Act amending the same”.

(b) Section 5 (4)—

Omit “Public Service Act, 1902, or of any Act amending that Act”, insert instead “Public Service Act, 1979”.

(c) Section 5 (4)—

Omit “any such Act”, insert instead “that Act”.

New South Wales State Cancer Council (Amendment).

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

(2) Section 6 (1) (c)—

Omit the paragraph, insert instead:—

- (c) 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;

(3) (a) Section 10A (1)—

Omit “subsection (2) of section 10”, insert instead “section 10 (2)”.

(b) Section 10A (3) (a)—

Omit “, as amended by subsequent Acts; and the said Act, subsection (2) of section 11”, insert instead “, and that Act, section 11 (2)”.

(c) Section 10A (4)—

Omit “paragraph (c) of subsection (3)”, insert instead “subsection (3) (c)”.

(d) Section 10A (6)—

Omit “subsection (4) of section 41A of the Medical Practitioners Act, 1938, as amended by subsequent Acts”, insert instead “section 41A (4) of the Medical Practitioners Act, 1938”.

(4) (a) Sections 11 (4) (a), 11 (4) (bi), 12—

Omit “subsection (1) of section 4” wherever occurring, insert instead “section 4 (1)”

New South Wales State Cancer Council (Amendment).

SCHEDULE 2—*continued.*

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

(b) Section 11 (5)—

Omit “subsection (2A) of section 13”, insert instead “section 13 (2A)”.

(5) (a) Section 13 (2A)—

Omit “subsection (5) of section 11”, insert instead “section 11 (5)”.

(b) Section 13 (3)—

Omit “, or in any Act amending that Act, whether passed before or after the commencement of this Act”.

(6) (a) Section 14—

Omit “, as amended by subsequent Acts”.

(b) Section 14—

Omit “other the”, insert instead “other”.

(7) Section 15 (2)—

Omit “1902, as amended by subsequent Acts”, insert instead “1979”.

(8) Section 17—

Omit “; and the Audit Act, 1902, and any Acts amending that Act”, insert instead “, and the Audit Act, 1902”.

New South Wales State Cancer Council (Amendment).

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

(9) Section 19 (3), (4)—

Omit section 19 (3), insert instead:—

(3) A by-law shall be submitted for the consideration and approval of the Governor and shall have no effect unless it is so approved.

(4) Section 41 of the Interpretation Act, 1897, applies in respect of a by-law as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.

SCHEDULE 3.

(Sec. 6.)

SAVINGS, TRANSITIONAL AND OTHER PROVISIONS.

Interpretation.

1. In this Schedule—

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

“Council” means the New South Wales State Cancer Council.

Existing members.

2. A person who, immediately before the appointed day, held office as a member of the Council—

- (a) shall cease to hold office as such on the appointed day;
- (b) is not entitled to any remuneration or compensation by reason of his so ceasing to hold that office; and
- (c) is eligible, if otherwise qualified, to be appointed as a member of the Council.

New South Wales State Cancer Council (Amendment).

SCHEDULE 3—*continued.*

SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued.*

Body corporate not affected.

3. Nothing in this Act shall prejudice or affect in any way the continuity of the body corporate constituted under section 3 of the Principal Act.
