

**NEW SOUTH WALES INSTITUTE OF PSYCHIATRY
ACT.**

Act No. 44, 1964.

An Act to provide for the establishment and incorporation of a New South Wales Institute of Psychiatry, and to define its powers, authorities, duties and functions; and for purposes connected therewith. Elizabeth II,
No. 44, 1964
[Assented to, 27th November, 1964.]

BE

New South Wales Institute of Psychiatry Act.

No. 44, 1964 **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 Institute of Psychiatry Act, 1964".

Interpretation. 2. In this Act, unless the context or subject-matter otherwise indicates or requires—

"Account" means the New South Wales Institute of Psychiatry Account established under this Act.

"By-laws" means by-laws made under this Act.

"Institute" means the New South Wales Institute of Psychiatry.

"Member" means a member of the Institute.

Constitution of New South Wales Institute of Psychiatry. 3. (1) There shall be constituted a New South Wales Institute of Psychiatry which shall carry into effect the objects and purposes of this Act, and shall have and may exercise and discharge the powers, authorities, duties and functions conferred or imposed upon the Institute by or under this Act.

(2) The Institute shall be a body corporate under the name of "The New South Wales Institute of Psychiatry" with perpetual succession and a common seal and shall be capable by that name of suing and being sued, and of purchasing, holding, granting, demising, disposing of or otherwise dealing with real and personal property and of doing and suffering all such other acts and things as bodies corporate may by law do and suffer.

Objects of the Institute. 4. (1) The objects for which the Institute is established are—

(a) to assist and foster research and investigation into the causation, prevention, diagnosis and treatment of mental illnesses and disorders;

(b) to assist and foster post-graduate education and training in psychiatry;

(c) to prescribe programmes of training in psychiatry for medical practitioners to meet the requirements and standards of authorities which are recognised

by

by the Institute and which conduct examinations No. 44, 1964
for post-graduate degrees and post-graduate
diplomas in psychiatry;

- (d) to prescribe programmes of training in psychiatry for medical practitioners, and for para-medical groups, including clinical psychologists, psychiatric social workers and occupational therapists;
- (e) to prescribe programmes of training in mental health for non-medical groups approved by the Institute;
- (f) to provide training for the purpose of carrying out any of the programmes of training prescribed by the Institute pursuant to paragraph (c), (d) or (e) of this subsection;
- (g) to co-ordinate, as far as is practicable, programmes of research and investigation into the causation, prevention, diagnosis and treatment of mental illnesses and disorders;
- (h) to award fellowships for training or research in psychiatry or allied disciplines;
- (i) to promote visits from other States or countries by lecturers in psychiatry or allied disciplines;
- (j) to promote mental health education in the community.

(2) The Institute may do and perform all acts and things that are necessary or convenient for carrying out or giving effect to the objects set out in subsection one of this section.

(3) Without limiting the generality of the foregoing provisions of this section the Institute shall have the power, subject to the approval of the Minister, to accept the invitation of or to co-operate with the Government or a Public Health Authority or other authority of the Commonwealth of Australia or of any State or Territory of the Commonwealth of Australia or of any country in implementing within the Commonwealth, State, Territory or country any of the objects for which the Institute is established.

5. (1) The Institute shall consist of members appointed in accordance with the provisions of this Act. **Members of the Institute.**

(2)

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(2) The members shall be appointed by the Governor and, subject to section twelve of this Act, shall be—

- (a) a person appointed as chairman of the Institute, who shall be nominated by the Minister;
- (b) the Under Secretary, Department of Public Health, or an officer of that Department nominated by him;
- (c) a medical practitioner employed in the Department of Public Health, nominated by the Minister;
- (d) the Director-General of State Psychiatric Services, or an officer of the Department of Public Health, who is a psychiatrist, nominated by him; and
- (e) such persons as are duly nominated as follows:—
 - (i) three shall be nominated by the Senate of the University of Sydney, one of whom shall be the Professor of Psychiatry of that University, or if there is no such professor of psychiatry, a psychiatrist;
 - (ii) three shall be nominated by the Council of the University of New South Wales, one of whom shall be the Professor of Psychiatry of that University, or if there is no such professor of psychiatry, a psychiatrist;
 - (iii) one shall be a psychiatrist nominated by the Australian and New Zealand College of Psychiatrists; and
 - (iv) one shall be a psychiatrist nominated by the Deputy Commissioner of Repatriation in New South Wales.

(3) A person shall not be eligible to be appointed pursuant to paragraph (a) of subsection two of this section if he—

- (a) is a medical practitioner; or
- (b) is employed in any branch of the Department of Public Health of New South Wales or the Repatriation Department of the Commonwealth of Australia; or

(c)

(c) is employed by, or is a member of the governing body of, any of the bodies referred to in paragraph (e) of subsection two of this section. No. 44, 1964

(4) A person shall not be eligible to be appointed as a member if he has attained the age of sixty-five years.

6. The members of the Institute other than the persons referred to in paragraphs (b), (c) and (d) of subsection two of section five of this Act shall, subject to this Act, hold office for a period of five years, and shall, if otherwise qualified, be eligible for reappointment. Term of office.

7. The provisions of the Public Service Act, 1902, as amended by subsequent Acts, shall not apply to or in respect of the appointment of any member, and a member shall not, in his capacity as such member, be subject to the provisions of that Act, as so amended. Public Service Act not to apply to members.

8. (1) A member shall not be entitled to receive any salary, fee, allowance or other remuneration for his services as a member, other than such sustenance and travelling expenses incurred in transacting business of the Institute, as may be prescribed. Remuneration of members.

(2) The office of a member shall not, by reason of such member accepting or receiving any such expenses be deemed to be an office of profit under the Crown for the purposes of the Constitution Act, 1902, or any Act amending that Act.

9. (1) The chairman of the Institute shall preside at all meetings of the Institute at which he is present. Chairman and deputy chairman of the Institute.

(2) The members shall appoint one of their number to be the deputy chairman of the Institute.

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(3) The member so appointed shall, subject to this Act, hold office as deputy chairman for a period of one year or until his term of office as a member expires, whichever first happens.

(4) A member who has held office as deputy chairman shall not be eligible to be again appointed to hold office as deputy chairman within one year after the expiration of his last term of office as deputy chairman.

(5) In the event of a vacancy in the office of deputy chairman the Institute may appoint one of its members to the vacant office and the person so appointed shall, subject to this Act, hold office as deputy chairman for the balance of his predecessor's term.

(6) In the absence of the chairman from any meeting of the Institute the deputy chairman shall preside at that meeting.

(7) In the absence of both the chairman and the deputy chairman from any meeting of the Institute, the members present shall elect one of their number to preside at the meeting.

(8) The person presiding for the time being at any meeting of the Institute shall have a vote and, in the case of an equality of votes, a second or casting vote.

Vacation
of office.

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

- (a) dies;
- (b) resigns his office by writing under his hand addressed to the Governor;
- (c) becomes a mentally ill person, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, as amended by subsequent Acts;

(d)

- (d) is absent without leave of the Institute from four No. 44, 1964 consecutive ordinary meetings of the Institute;
- (e) is removed from office by the Governor;
- (f) ceases to hold any qualification by virtue of which he was appointed as a member;
- (g) attains the age of sixty-five years.

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

11. (1) Where a casual vacancy occurs in the office of a member, the Governor may appoint a person to the vacant office. Casual vacancy.

(2) The person so appointed shall—

- (a) if the member in whose office the vacancy occurs was appointed pursuant to paragraph (a), (c) or (e) of subsection two of section five of this Act, be appointed on the same nomination as that member;
- (b) subject to this Act, hold office for the residue of his predecessor's term of office.

12. (1) Where a member has been granted leave of absence by the Institute for a period of six months or longer, the Governor may appoint an alternate member to act for the period of the leave in the place of the member to whom the leave was so granted. Alternate member.

(2) An alternate member so appointed shall if he is appointed to act in the place of a member appointed—

- (a) pursuant to paragraph (a), (b), (c) or (d) of subsection two of section five of this Act, be appointed on the nomination of the Minister;
- (b) pursuant to paragraph (e) of that subsection, be appointed on the nomination of the body which nominated the member in whose place he is appointed to act.

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(3) An alternate member shall during the period for which he is appointed to act as such have all the powers, authorities, duties and functions of a member and be deemed to be a member.

Proceedings of the Institute.

13. (1) The procedure for the calling of meetings of the Institute and for the conduct of business at those meetings shall, subject to any by-laws in relation thereto, be as determined by the Institute.

(2) At any meeting of the Institute a quorum shall be formed—

(a) where the total number of members for the time being is exactly divisible by two, by one more than one-half of that number;

(b) where the total number of members for the time being is not exactly divisible by two, by the number of members equal to the next whole number above one-half of the total number of members for the time being.

(3) Any duly convened meeting at which a quorum is present shall be competent to transact any business of the Institute, and shall have and discharge all the powers, authorities, duties and functions of the Institute.

(4) A decision of the majority of the members present at a meeting of the Institute shall be the decision of the Institute.

(5) The Institute shall cause minutes to be kept of the proceedings at formal meetings.

(6) No act or proceeding of the Institute shall be invalidated by reason only of the fact that at the time when the act or proceeding was done, taken or commenced, there was a vacancy in the office of any member.

14. No matter or thing done or suffered by the Institute, or by any member, bona fide in the execution, or intended execution, of this Act or the exercise or discharge, or intended exercise or discharge, of any of its or his powers or duties shall subject the Institute or any member, or any other person, or the Crown, to any liability in respect thereof.

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Protection
of Institute
and
officers.

15. (1) The Institute may establish a committee, consisting of such members as the Institute may appoint thereto, to be called the "New South Wales Institute of Psychiatry House Committee" (which committee is in this section referred to as the "House Committee") and may delegate to that committee the power to make out of the House Account established under subsection five of section sixteen of this Act payments to meet the ordinary costs of administration of the Institute.

Committees.

(2) Any payments made by the House Committee out of the House Account shall be deemed to be made by the Institute.

(3) The Institute may establish such other committees for the purpose of advising the Institute, as may from time to time appear to the Institute to be necessary.

(4) Each committee, other than the House Committee, shall consist of such persons, whether members of the Institute or not, as the Institute may appoint thereto.

(5) The Institute may at any time revoke any delegation made under subsection one of this section.

16. (1) The Institute shall, as soon as practicable after the commencement of this Act, establish an Account to be called "The New South Wales Institute of Psychiatry Account".

New South
Wales
Institute of
Psychiatry
Account.

(2)

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No. 44, 1964 (2) There shall be placed to the credit of the Account—

- (a) any moneys appropriated by Parliament for the purposes of this Act;
- (b) any moneys received by the Institute from any other source for any of the objects of the Institute.

(3) The moneys in the Account may, subject to the terms of any trust or condition affecting those moneys or any part thereof, be applied—

- (a) for the purpose of carrying out or giving effect to all or any of the objects of the Institute;
- (b) without limiting the generality of paragraph (a) of this subsection, in making grants—
 - (i) to institutions, hospitals, departments or other bodies or to individuals for, or for the encouragement of, research or investigation into the causation, prevention, diagnosis or treatment of mental illnesses or disorders;
 - (ii) to institutions, hospitals, departments or other bodies for carrying out, or for the encouragement of, any training or education which the Institute itself is entitled to provide or promote; and
- (c) in meeting the costs of administration of this Act.

(4) Any moneys in the Account that are not immediately required for the purposes of this Act may be invested in any manner in which trustees are for the time being authorised to invest trust funds.

(5) The Institute may establish an account to be known as the "House Account" into which the Institute may, in accordance with paragraph (c) of subsection three of this section, pay out of the Account such moneys as the Institute considers necessary to meet any of the ordinary costs of administration of the Institute.

17. The Institute shall, subject to section sixteen of this **No. 44, 1964** Act, hold all property acquired by it on trust to apply the property for the purpose of carrying out or giving effect to all or any of the objects of the Institute, but subject to the terms of any trust or condition affecting that property. Property to be held in trust.

18. (1) The Institute has power to acquire by gift, bequest or devise any property for any of the purposes of this Act, and to agree to and carry out the conditions of the gift, bequest or devise. Power to accept gifts, etc.

(2) The rule of law relating to perpetuities does not apply to any condition of a gift, bequest or devise to which the Institute has agreed.

(3) Nothing contained in the Stamp Duties Act, 1920, or in any Act amending that Act, whether passed before or after the commencement of this Act, applies to any real or personal property of any nature or kind whatsoever comprised in any gift, bequest or devise made to the Institute.

19. (1) The Institute may conduct public appeals for funds for the purposes of the Institute. Public appeals.

(2) Nothing in the Charitable Collections Act, 1934, as amended by subsequent Acts, shall apply to the Institute in the conduct by it of any appeal referred to in subsection one of this section.

20. (1) Subject to subsection three of this section, the staff of the Institute shall be appointed under, and be subject to, the provisions of the Public Service Act, 1902, as amended by subsequent Acts. Officers and employees.

(2) In making any recommendation for the appointment of any person to the staff of the Institute the Public Service Board shall have regard to any recommendation made by the Institute.

(3)

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(3) Subject to the approval of the Public Service Board, the Institute may appoint and employ, otherwise than in a full-time capacity, such persons possessing medical, scientific or technical or other para-medical qualifications, as may be necessary for carrying out the provisions of this Act.

Salaries and fees payable pursuant to this subsection shall be part of the costs of administration of this Act.

(4) For carrying out the provisions of this Act, the Institute, with the approval of the Department concerned, and the Public Service Board, may make use of the services of any of the officers and employees of the Public Service.

Accounts
to be
rendered.

21. The Institute shall cause to be kept proper books of account in relation to the funds of the Institute and shall, as soon as practicable after the thirtieth day of June in each year, prepare and submit to the Minister for presentation to Parliament, a statement of accounts in a form approved by the Auditor-General exhibiting a true and correct view of the financial position and transactions of the Institute.

Audit.

22. The accounts of the Institute shall be audited by the Auditor-General who shall have in respect thereto all the powers conferred on the Auditor-General by any law now or hereafter in force relating to the audit of public accounts; and the Audit Act, 1902, and any Acts amending that Act shall apply to members of the Institute, and to the officers and employees of the Institute in the same manner as it does to accounting officers of public departments.

Report of
proceed-
ings of
Institute.

23. As soon as practicable after the thirtieth day of June in each year, the Institute shall prepare and transmit to the Minister for presentation to Parliament a report of the proceedings of the Institute during the period of twelve months immediately preceding that day.

24. (1) The Institute may make by-laws not inconsistent with this Act, prescribing all matters which by this Act are required or permitted to be prescribed, or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act. No. 44, 1964
By-laws.

(2) Without prejudice to the generality of the power conferred by subsection one of this section, the Institute may make by-laws—

- (a) regulating the conduct of meetings of the Institute including the times and places of meetings and the notice to be given of any class of meetings;
- (b) prescribing the circumstances in which and the terms and conditions upon which any property vested in the Institute may be applied for any purpose for which it may be applied in accordance with this Act;
- (c) relating to programmes of training, and the conditions upon which persons may undertake training, referred to in paragraph (c), (d) or (e) of subsection one of section four of this Act;
- (d) relating to the implementation by any organisation, institution, hospital or other body on behalf of the Institute of programmes of training referred to in paragraph (c), (d) or (e) of subsection one of section four of this Act;
- (e) regulating the terms and conditions, including remuneration and allowances, governing the award of fellowships referred to in paragraph (h) of subsection one of section four of this Act.

(3) The by-laws shall—

- (a) be submitted to the Governor for his approval;
- (b) after approval be published in the Gazette;
- (c) take effect from the date of publication or from a later date to be specified in the by-laws;

(d)

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(d) be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is in session, and if not, then within fourteen sitting days after the commencement of the next session.

If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after the by-laws have been laid before such House disallowing any by-law or part thereof, such by-law or part shall thereupon cease to have effect.

Enacted by Parliament at London.
