

HEALTH COMMISSION ACT.

New South Wales



ANNO VICESIMO PRIMO

ELIZABETHÆ II REGINÆ

Act No. 63, 1972.

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

BE

Health Commission.

BE it enacted by the Queen's Most Excellent Majesty, by No. 63, 1972 and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

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

2. The provisions—

Commence-
ment.

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

3.

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No. 63, 1972 **3.** In this Act, except in so far as the context or subject-matter otherwise indicates or requires—
 Interpretation.

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

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

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

“member” means a member of the Commission;

“regulations” means regulations made under this Act.

Constitution of the Health Commission of New South Wales.

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

(2) The Commission—

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

(b) shall, for the purposes of any Act, be deemed to be a statutory body representing the Crown; and

(c) shall, in the exercise and performance of its powers, authorities, duties and functions (except in relation to the contents of a recommendation or report made by it to the Minister), be subject to the control and direction of the Minister.

5.

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5. (1) The Commission shall consist of five members appointed by the Governor. No. 63, 1972

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

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

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

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

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

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

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

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

(4)

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

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

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

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

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

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8. (1) If the Deputy Chairman is not a medical practitioner, a person who is not a medical practitioner shall not be appointed under section 6 as Chairman. No. 63, 1972
Provisions relating to Chairman and Deputy Chairman.

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

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

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

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

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

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

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

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

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

(3) If—

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

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

a member who—

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

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

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

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

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

(a) an officer of the Public Service; or

(b)

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

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

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

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

Member entitled to re-appointment to Public Service in certain cases.

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

Meetings of the Commission.

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

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

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

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

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

(6)

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(6) Subject to subsection (5), a decision of a majority of the members present at a meeting of the Commission at which a quorum is present shall be the decision of the Commission. No. 63, 1972

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

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

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

14. (1) The Governor may appoint and employ, under and subject to the Public Service Act, 1902, such officers and employees as may be necessary to enable the Commission to exercise and perform its powers, authorities, duties and functions under this or any other Act, and any such officer or employee shall take office on such day (which may be the appointed day or a day before or after the appointed day,

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No. 63, 1972 but may not be before the day appointed and notified under section 2 (b)) as may be specified in the instrument of his appointment.

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

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

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

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

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

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make use of the services of any of the officers, servants or employees of that public authority, hospital or council, as the case may be No. 63, 1972

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

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

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

16. (1) In this section—

“Hospitals Commission” means The Hospitals Commission of New South Wales constituted under the Public Hospitals Act, 1929; Dissolution of Hospitals Commission and Board of Health and abolition of Department of Health.

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

“Department” means the Department known as the Department of Health or the Department of Public Health.

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

(3) On and from the appointed day—

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

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

the

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the Hospitals Commission or the Board as if the security or charge were a security or charge in favour of the Commission; No. 63, 1972

- (g) all debts, moneys and claims, liquidated and unliquidated, that, immediately before that day, were due or payable by, or recoverable against, the Hospitals Commission or the Board shall be debts due, moneys payable by and claims recoverable against, the Commission; and
- (h) all liquidated and unliquidated claims for which the Hospitals Commission or the Board would, but for the enactment of this Act, have been liable shall be liquidated and unliquidated claims for which the Commission shall be liable.

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

- (a) to the Hospitals Commission or the Board or the Department shall be read and construed as a reference to the Commission;
- (b) to any officer of the Hospitals Commission, the Board or the Department shall be read and construed as a reference—
 - (i) if there is an office in the staff establishment of the Commission that corresponds to the office held by that officer—to the person holding that office in the establishment of the Commission; or
 - (ii) if there is no such corresponding office, to such office in the staff establishment of the Commission as may be prescribed.

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

enactment

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No. 63, 1972 enactment of this Act that act, matter or thing would on or after that day have had any force or effect or been in operation, be deemed to have been done or omitted to be done by, to or in respect of the Commission or an officer of the Commission, whichever of them is, on or after that day, appropriate in relation to the doing or omission to do that act, matter or thing.

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

17. The sums authorised by the Appropriation Act, 1972, to be appropriated out of the Consolidated Revenue Fund and to be issued and applied for or towards the sub-headings of expenditure under the heading "Minister for Health" and that would but for this Act have been available for expenditure in connection with the functions of the Department of Health or the Hospitals Commission of New South Wales shall be deemed, to the extent that, at the appointed day, they have not been so issued or applied, to be sums authorised by that Act to be appropriated out of that Fund and to be issued and applied for or towards the corresponding sub-headings of expenditure in connection with the functions of the Commission.

Unexpended funds appropriated for Minister of Health to be available for Commission.

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

Powers, authorities, duties and functions of Commission.

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

(b)

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

(k)

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- (k) to promote and facilitate the provision of the professional, technical or other education or training of any persons employed or to be employed in the provision of any health service;
- (l) to promote and facilitate the raising of funds by means of public appeal or otherwise by any body, institution, association or person for the purpose of the provision of health services;
- (m) to promote and facilitate a system of health care for the people of New South Wales provided by private bodies, institutions, associations and persons, as well as by the Commission and other public bodies; and
- (n) to do such supplemental, incidental or consequential acts as may be necessary or expedient for the exercise and performance of its powers, authorities, duties and functions under the foregoing provisions of this subsection.

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

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

Acquisition
of land.

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

(2)

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

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

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

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

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

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

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

(2)

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No. 63, 1972 (2) Any such contract or agreement shall be deemed, for the purposes of the Constitution Act, 1902, to be a contract or agreement for or on account of the Public Service of New South Wales.

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

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

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

(3) A delegation under this section—

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

(4)

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(4) Notwithstanding any delegation made under this section, the Commission may continue to exercise or perform all or any of the powers, authorities, duties or functions delegated. No. 63, 1972

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

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

23. (1) The Minister shall appoint a Health Advisory Council and a Professional Services Advisory Council. Appointment of Health Advisory Council and other advisory bodies.

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

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

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

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

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

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

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

Accounts to
be kept by
Commission.

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

Audit.

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

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

(a) whether or not in his opinion—

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

(ii)

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

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

Proof of certain matters not required.

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

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

Manner of serving certain documents on Commission.

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

Authenticating of certain documents of Commission.

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

Notice of action.

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No. 63, 1972 done or intended to be done or omitted to be done under this or any other Act, until the expiration of one month after notice in writing has been served on the Commission, member, officer, employee or person as provided in this section.

(2) The notice shall state—

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

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

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

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

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

for

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for an extension of the prescribed period, that court may, if it is satisfied that sufficient cause has been shown or that, having regard to all the circumstances of the case, it would be reasonable so to do, make an order for extension of the prescribed period for such further period and subject to such terms and conditions, if any, as may be set out in the order. No. 63, 1972

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

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

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

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

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

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

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

(4)

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No. 63, 1972 (4) In so far as a report under subsection (1) includes any matter that relates to a period in respect of which a report is required to be made annually by the Commission under any other Act, the provision of that other Act which requires the report to be made in respect of that period has no operation.

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

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

(2) The amendments to—

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

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

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

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Savings.

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

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

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

Members of
Hospitals
Commission
ceasing to
hold office
not entitled
to compen-
sation.

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Sec. 33.

SCHEDULE.
AMENDMENTS OF ACTS.

PART 1.

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

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Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Amendment.
1961, No. 69 —continued	Clean Air Act, 1961—con- tinued	Sections 16 (6); 17 (3)— Omit “his” wherever occurring, insert “its”. Section 23— (a) Omit “him or”; (b) Omit “he or”. Section 30— (a) Omit “the Under Secretary or any prescribed officer”, insert instead “a member of the Commission or by an officer of the Commission authorised generally or specially by the Commission to do so”; (b) After “character” insert “or authority”.
1970, No. 78..	Clean Waters Act, 1970	Sections 3; 8 (2); 11; 12; 14 (3); 16 (4); 19; 20; 22; 23; 25; 27 (1); 28; 31; 32 (3) (j); 36 (1)— Omit “Under Secretary” wherever occurring, insert instead “Commission”. Section 5— (a) From the definition of “authorised officer” omit “Under Secretary”, insert instead “Commission”; (b) From the definition of “classified waters” omit “Under Secretary”, insert instead “Commission”; (c) Insert next after the definition of “classified waters” the following new definition:— “Commission” means the Health Commission of New South Wales constituted under the Health Commission Act, 1972; (d) Omit the definitions of “Department” and “Under Secretary”.

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SCHEDULE—*continued.*

Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Amendment.
1970, No. 78 — <i>continued</i>	Clean Waters Act, 1970 — <i>continued</i>	<p>Section 6 (2) (a)—</p> <p>Omit the paragraph, insert instead the following paragraph:— (a) a member of the Commission from time to time nominated by the Commission or an officer of the Commission from time to time so nominated; and.</p> <p>Section 12—</p> <p>Omit “he”, insert instead “it”.</p> <p>Section 13 (2)—</p> <p>Omit “Under Secretary who”, insert instead “Commission which”.</p> <p>Section 14 (3)—</p> <p>Omit “he”, insert instead “it”.</p> <p>Section 20—</p> <p>(a) Omit from subsection (4) (a) “he”, insert instead “it”; (b) Omit from subsection (5) “his”, insert instead “its”; (c) Omit from subsection (6) “his” where firstly occurring, insert instead “its”; (d) Omit from subsection (7) “Under Secretary’s”, insert instead “Commission’s”.</p> <p>Section 25 (5)—</p> <p>(a) Omit “he”, insert instead “it”; (b) Omit “his”, insert instead “its”.</p> <p>Section 28 (1)—</p> <p>(a) Omit “him”, insert instead “it”; (b) Omit “he”, insert instead “it”.</p>

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

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SCHEDULE—*continued.*

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

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Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Amendment.
1934, No. 10 — <i>continued</i>	Dentists Act, 1934— <i>con- tinued</i>	<p>Section 10 (1) (e)—</p> <p>In subparagraph (i) after “dentist” insert “employed by the Commission or of a dentist”;</p> <p>In subparagraph (ii) after “State or” insert “in the service of the Commission or”.</p> <p>Section 10A (2)—</p> <p>In paragraph (a) after “dentist” insert “employed by the Commission or of a dentist”;</p> <p>In paragraph (b) after “State or” insert “in the service of the Commission or”.</p> <p>Section 10D (4)—</p> <p>Omit “Director of State Psychiatric Services”, insert instead “Commission”.</p> <p>Section 12 (3) (b1)—</p> <p>(a) Omit “and attached to the Division of Dental Services of the Department of Health”, insert instead “who are officers or employees of the Commission”;</p> <p>(b) Omit “such Division”, insert instead “the Commission”.</p> <p>Section 12A—</p> <p>(a) Omit subsection (2) (b) (i), insert instead the following subparagraph:—</p> <p style="padding-left: 2em;">(i) two persons each of whom is either a member of the Commission from time to time nominated by the Commission or an officer of the Commission from time to time so nominated;</p> <p>(b) In subsection (2) (c) after “Public Service” insert “or a member of the Commission”.</p>

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SCHEDULE—*continued.*

Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Amendment.
1957, No. 58..	Fluoridation of Public Water Supplies Act, 1957	<p>Section 3—</p> <p>Omit the definition of "Board", insert instead the following definition:— "Commission" means the Health Commission of New South Wales constituted under the Health Commission Act, 1972.</p> <p>Section 4—</p> <p>(a) Omit subsection (2) (a), insert instead the following paragraph:— (a) a member of the Commission from time to time nominated by the Commission or an officer of the Commission from time to time so nominated; and;</p> <p>(b) In subsection (9) after "Public Service" insert "or a member of the Commission".</p> <p>Sections 5; 6; 7; 11 (1) (paragraph (b) excepted)—</p> <p>Omit "Board" wherever occurring, insert instead "Commission".</p> <p>Section 6 (2)—</p> <p>Omit "Board's" wherever occurring, insert instead "Commission's".</p>
1920, No. 48..	Food Preservation by Sulphur Dioxide Enabling Act, 1920	<p>Section 3—</p> <p>(a) Omit the definition of "Board", insert instead the following definition:— "Commission" means the Health Commission of New South Wales constituted by the Health Commission Act, 1972.</p>

SCHEDULE

Health Commission.

Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Amendment.
1920, No. 48 — <i>continued</i>	Food Preservation by Sulphur Dioxide Enabling Act, 1920— <i>continued</i>	<p>Section 3—<i>continued</i></p> <p>(b) From the definition of “Local authority” omit “board”, insert instead “Commission”;</p> <p>(c) From the definition of “Officer” omit “board”, insert instead “Commission”.</p> <p>Sections 4; 6—</p> <p>Omit “board” wherever occurring, insert instead “Commission”.</p>
1934, No. 57..	Government Guarantees Act, 1934	<p>Section 3 (1)—</p> <p>(a) Omit “Hospitals Commission”, insert instead “Health Commission”;</p> <p>(b) After “incorporated hospital” insert “, associated organisation”.</p> <p>Section 4 (e)—</p> <p>After “incorporated hospital” insert “, associated organisation”.</p>
1940, No. 2 ..	Industrial Arbitration Act, 1940	<p>Section 15 (8)—</p> <p>Omit “Hospitals Commission”, insert instead “Health Commission”.</p> <p>Section 88A—</p> <p>Omit:—</p> <p>Wales, The Hunter District Water Board, and The Hospitals Commission of New South Wales.</p> <p>Insert instead:—</p> <p>Wales, and The Hunter District Water Board.</p>

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SCHEDULE—*continued.*

Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Amendment.
1912, No. 24..	Inebriates Act, 1912	<p>Section 9 (2)—</p> <p>Omit “Inspector-General of the Insane, and during his absence from the State or his inability to act from illness or other cause, of the deputy Inspector-General”; insert instead “Health Commission of New South Wales”.</p> <p>Section 24—</p> <p>(a) Omit “the Inspector-General of the Insane, or such person as he may depute,”; insert instead “a member of the Health Commission of New South Wales or an officer of that Commission authorised by that Commission in that behalf”;</p> <p>(b) Omit “or his deputy”.</p> <p>Section 29 (1)—</p> <p>Omit “the Chief Government Medical Officer, the Inspector-General of the Insane, and the Comptroller-General of Prisons”, insert instead “two persons, each of whom is either a member of the Commission from time to time nominated by the Commission or an officer of the Commission from time to time so nominated, and the Commissioner of Corrective Services”.</p>
1953, No. 41..	Judges’ Pensions Act, 1953	<p>Section 5—</p> <p>Omit “Director-General of Public Health”, insert instead “Health Commission of New South Wales”.</p>

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*Health Commission.*SCHEDULE—*continued.*

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Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Amendment.
1937, No. 8 . .	King George V and Queen Mary Maternal and Infant Welfare Foundation Act, 1937	<p>Section 2— Omit the definition of "Ex-officio member".</p> <p>Section 4— Omit the section, insert instead the following section:— Members of the Foundation. 4. The Foundation shall consist of seven members appointed by the Governor by notification published in the Gazette, of whom— (a) two members (one of whom shall be appointed by the Governor as Chairman of the Foundation) shall be appointed on the nomination of the Health Commission of New South Wales; (b) two members shall be appointed on the nomination of the University of Sydney; and (c) three members (of whom two shall be women) shall be appointed on the nomination of the Minister.</p> <p>Section 7— (a) from paragraph (e) omit "Governor; or", insert instead "Governor."; (b) omit paragraph (f).</p>
1919, No. 41 . .	Local Government Act, 1919	<p>Section 4— (a) Insert next after the definition of "Grants Commission" the following new definition:— "Health Commission" means the Health Commission of New South Wales constituted under the Health Commission Act, 1972.</p>

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SCHEDULE—*continued.*

Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Amendment.
1919, No. 41 — <i>continued</i>	Local Government Act, 1919— <i>continued</i>	<p>Section 4—<i>continued</i></p> <p>(b) In the definition of “Statutory body, or ‘statutory body representing the Crown,’” after “Metropolitan Meat Industry Board,” insert “Health Commission of New South Wales.”</p> <p>Sections 94 (1); 299A (2); 640—</p> <p>Omit “Board of Health” wherever occurring, insert instead “Health Commission”.</p> <p>Section 94 (1)—</p> <p>Omit “board”, insert instead “Commission”.</p> <p>Section 132 (1)—</p> <p>Insert after paragraph (d) the following new paragraph:—</p> <p>(d1) land which is vested in the Crown or the Health Commission and is used or occupied by the Health Commission for the purposes thereof; and.</p> <p>Section 299—</p> <p>Omit “Hospitals Commission of New South Wales constituted under the Public Hospitals Act, 1929, to the extent prescribed in the regulations made under that Act”, insert instead “Health Commission, to the extent prescribed in the regulations made under the Public Hospitals Act, 1929”.</p> <p>Section 591 (c)—</p> <p>Omit “Board of Health, appointed by that board”, insert instead “Health Commission, appointed by that Commission”.</p>

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*Health Commission.*SCHEDULE—*continued.*

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Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Amendment.
1919, No. 41 — <i>continued</i>	Local Government Act, 1919— <i>continued</i>	Section 654 (5) (h)— Omit the paragraph, insert instead the following paragraph:— (h) the Health Commission.
1915, No. 69..	Meat Industry Act, 1915	Section 4 (4)— Omit “vested in the Board of Health at the date of the passing of this Act”, insert instead “which were vested in the Board of Health at the date of the passing of this Act and are exercisable by the Health Commission of New South Wales”.
1938, No. 37..	Medical Practitioners Act, 1938	Section 3 (1)— Insert next after the definition of “Board” the following new definition:— “Commission” means the Health Commission of New South Wales constituted under the Health Commission Act, 1972. Section 5— (a) After “which” in subsection (1) insert “(except the member referred to in paragraph (a) of subsection (3))”; (b) Omit subsection (3) (a), insert instead the following paragraph:— (a) a member of the Commission from time to time nominated by the Commission or an officer of the Commission from time to time so nominated; (c) In subsection (8) after “public servant” insert “or a member of the Commission”.

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SCHEDULE—*continued.*

Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Amendment.
1938, No. 37 — <i>continued</i>	Medical Practitioners Act, 1938— <i>continued</i>	<p>Section 27A (1) (b)—</p> <p>Omit the paragraph, insert instead the following paragraph:—</p> <p>(b) a member of the Commission, who is a medical practitioner, from time to time nominated by the Commission, or an officer of the Commission, who is a medical practitioner, from time to time so nominated; and.</p> <p>Section 30 (2)—</p> <p>Omit the subsection, insert instead the following subsection:—</p> <p>(2) Where a registered person becomes a patient, or a voluntary patient, within the meaning of the Mental Health Act, 1958, the prescribed person shall, in the prescribed manner and within the prescribed time, cause a notice of that fact to be forwarded to the secretary to the board.</p> <p>Section 34 (2)—</p> <p>Omit the subsection, insert instead the following subsection:—</p> <p>(2) The committee shall consist of three members, of whom—</p> <p>(a) two shall be persons from time to time nominated by the Commission; and</p> <p>(b) one shall be a member of the board from time to time nominated by the board.</p> <p>Sections 43 (2); 45 (1)—</p> <p>Omit “Board of Health” wherever occurring, insert instead “Commission”.</p>

SCHEDULE

*Health Commission.*SCHEDULE—*continued.*

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Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Amendment.
1958, No. 45.	Mental Health Act, 1958	<p>Section 4—</p> <p>(a) Insert next after the definition of "Authorised hospital" the following new definitions:—</p> <p>"Authorised officer", in relation to any power, authority, duty or function conferred or imposed upon authorised officers by this Act, means a person appointed under section 7 to be an authorised officer and who is entitled to exercise or perform that power, authority, duty or function.</p> <p>"Commission" means the Health Commission of New South Wales constituted under the Health Commission Act, 1972.</p> <p>(b) Omit the definition of "Director";</p> <p>(c) Omit the definition of "Superintendent", insert instead the following definition:—</p> <p>"Superintendent", in relation to an admission centre, a mental hospital or an authorised hospital, means the person having charge of that admission centre, mental hospital or authorised hospital.</p> <p>Section 7—</p> <p>(a) Omit subsections (1) and (2), insert instead the following subsections:—</p> <p>(1) The Commission may appoint one or more members or officers of the Commission to be authorised officers who, subject to subsection (2), shall have and may exercise and perform the powers, authorities, duties and functions conferred or imposed upon authorised officers by this Act.</p> <p>(2) An instrument appointing an authorised officer may specify the powers, authorities, duties and functions that may be exercised or</p>

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SCHEDULE—*continued.*

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

SCHEDULE

SCHEDULE—*continued.*

No. 63, 1972

Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Amendment.
1958, No. 45 — <i>continued</i>	Mental Health Act, 1958— <i>continued</i>	<p>Section 7—<i>continued</i></p> <p>(d) Omit from subsection (4) (b) “A Director or Deputy Director”, insert instead “An authorised officer”;</p> <p>(e) Omit from subsection (5) “he”, insert instead “it”.</p> <p>Sections 7 (3) (a), (b); 17; 20 (1); 33 (2); 108 (3); 109A (3)—</p> <p>Omit “The Director” wherever occurring, insert instead “An authorised officer”.</p> <p>Sections 7 (3) (c); 16 (c); 17; 24 (1); 25 (1); 27 (1); 28; 33 (1); 34 (2) (d); 102 (a); 104; 105; 108 (2), (6), (7)—</p> <p>Omit “the Director” wherever occurring, insert instead “an authorised officer”.</p> <p>Sections 7 (5); 11 (1), (7); 108 (5)—</p> <p>Omit “Director” wherever occurring, insert instead “Commission”.</p> <p>Section 32—</p> <p>Omit “Director”, insert instead “an authorised officer”.</p> <p>Section 65 (1)—</p> <p>Omit the subsection, insert instead the following subsections:—</p> <p>(1) Except as may be directed by the Treasurer, the Master shall pay into the Hospital Fund established under the Public Hospitals Act, 1929, for the use and benefit thereof, and at such times and in such manner as the Governor may from time to time appoint, all money paid to the Master for the maintenance of any patient or voluntary patient.</p>

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No. 63, 1972

SCHEDULE—*continued.*

Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Amendment.
1958, No. 45 — <i>continued</i>	Mental Health Act, 1958— <i>continued</i>	<p>Section 65 (1)—<i>continued</i></p> <p>(1A) The Master shall pay into the Consolidated Revenue Fund, for the use and benefit thereof, and at such times and in such manner as the Governor may from time to time appoint, all fees received by the Master, whether charged by way of percentage or otherwise and all moneys referred to in subsection (1) directed by the Treasurer to be paid into that Fund.</p> <p>Section 108—</p> <p>(a) Omit from subsection (4) “the Director” where firstly occurring, insert instead “an authorised officer”;</p> <p>(b) Omit from subsection (4) “the Director” where secondly, thirdly and fourthly occurring, insert instead “the authorised officer”.</p> <p>Section 109A—</p> <p>Omit from subsections (4) and (5) “Director” wherever occurring, insert instead “authorised officer”.</p> <p>Section 110 (3)—</p> <p>(a) Omit “Director” where firstly occurring, insert instead “Commission, an authorised officer”;</p> <p>(b) Omit “the Director” where secondly occurring, insert instead “an authorised officer”.</p>
1912, No. 49..	Newcastle District Abattoir and Saleyards Act, 1912	<p>Section 2—</p> <p>Insert next after the definition of “Cattle” the following new definition:— “Commission” means the Health Commission of New South Wales constituted under the Health Commission Act, 1972.</p>

SCHEDULE

*Health Commission.*SCHEDULE—*continued.*

No. 63, 1972

Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Amendment.
1912, No. 49 — <i>continued</i>	Newcastle District Abattoir and Sale-yards Act, 1912— <i>continued</i>	Sections 10 (1); 12; 17 (3); 19 (1) (a), (2); 20; 26 (2)— Omit “Board of Health” wherever occurring, insert instead “Commission”.
1964, No. 44.	New South Wales Institute of Psychiatry Act, 1964	Section 2— Insert next after the definition of “By-laws” the following new definition:— “Commssion” means the Health Commission of New South Wales constituted under the Health Commission Act, 1972. Section 5— (a) Omit subsection (2) (b), (c), (d), insert instead the following paragraphs:— (b) two persons, each of whom shall be either a member of the Commission nominated by the Commission or an officer of the Commission so nominated, and one of whom is a psychiatrist; (c) a medical practitioner who is a member or officer of the Commission, nominated by the Minister; and; (b) Omit subsection (3) (b), insert instead the following paragraph:— (b) is a member or officer of the Commission or is employed in any branch of the Repatriation Department of the Commonwealth; or. Section 6— Omit “, (c) and (d)”, insert instead “and (c)”.

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No. 63, 1972

SCHEDULE—*continued.*

Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Amendment.
1964, No. 44 — <i>continued</i>	New South Wales Institute of Psychiatry Act, 1964— <i>continued</i>	Section 12— (a) Omit from subsection (2) (a) “, (b), (c) or (d)”, insert instead “or (c)”; (b) Insert at the end of subsection (2) the following word and new paragraph:— ; or (c) pursuant to paragraph (b) of that subsection, be appointed on the nomination of the Commission.
1955, No. 25..	New South Wales State Cancer Council Act, 1955	Sections 4 (1) (f); 5 (1) (a)— Omit “Hospitals Commission” wherever occurring, insert instead “Health Commission”.
1915, No. 4 ..	Notification of Births Act, 1915	Section 2— Insert next before the definition of “Municipality” the following new definition:— “Commission” means the Health Commission of New South Wales constituted under the Health Commission Act, 1972. Section 3— (a) Omit from subsection (1) “Under Secretary of the Department of Public Health, or to some person authorised by him to receive such notices”, insert instead “Commission”; (b) Omit from subsection (2) “the office of the Under Secretary”, insert instead “an office of the Commission”; (c) Omit from subsection (2) “such Under Secretary or authorised person”, insert instead “the Commission”; (d) Omit from subsection (3) “Under Secretary”, insert instead “Commission”.

SCHEDULE

*Health Commission.*SCHEDULE—*continued.*

No. 63, 1972

Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Amendment.
1902, No. 82..	Noxious Trades Act, 1902	<p>Section 3—</p> <p>Omit the definition of "The Board", insert instead the following definition:— "Commission" means the Health Commission of New South Wales constituted under the Health Commission Act, 1972.</p> <p>Sections 4 (2) (a); 5; 7; 9; 10; 11; 16; 18—</p> <p>Omit "Board" wherever occurring, insert instead "Commission".</p> <p>Section 9—</p> <p>Omit the heading, insert instead the following heading:— <i>The Commission.</i></p>
1957, No. 3 ..	Noxious Trades (Amendment) Act, 1957	<p>Section 2 (c) (ii)—</p> <p>Omit "Board" wherever occurring, insert instead "Commission".</p>
1953, No. 10..	Nurses Registration Act, 1953	<p>Section 3—</p> <p>Insert next after the definition of "Commencement of this Act" the following new definition:— "Commission" means the Health Commission of New South Wales constituted under the Health Commission Act, 1972.</p>

SCHEDULE

Health Commission.

No. 63, 1972

SCHEDULE—*continued.*

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

SCHEDULE

*Health Commission.*SCHEDULE—*continued.*

No. 63, 1972

Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Amendment.
1963, No. 35..	Optical Dispensers Act, 1963	<p>Section 6 (2) (a)—</p> <p>Omit the paragraph, insert instead the following paragraph:—</p> <p>(a) one shall be a member of the Health Commission of New South Wales nominated by that Commission or an officer of that Commission so nominated;</p> <p>Section 7—</p> <p>(a) Omit “Under Secretary, Department of Public Health,” insert instead “member appointed under paragraph (a) of subsection (2) of section 6”;</p> <p>(b) Omit “, whether constituted under section five or six of this Act”.</p> <p>Section 11—</p> <p>After “Public Service” insert “or a member of the Health Commission of New South Wales”.</p>
1930, No. 20..	Optometrists Act, 1930	<p>Section 4—</p> <p>Insert next after the definition of “Board” the following new definition:—</p> <p>“Commission” means the Health Commission of New South Wales constituted under the Health Commission Act, 1972.</p> <p>Section 5—</p> <p>(a) Omit subsection (2) (f), insert instead the following paragraph:—</p> <p>(f) one shall be a member of the Commission nominated by the Commission or an officer of the Commission so nominated.</p> <p>(b) Omit from subsection (6) “Under Secretary, Department of Public Health”, insert instead “person appointed under paragraph (f) of subsection (2)”;</p>

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No. 63, 1972

SCHEDULE—*continued.*

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

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SCHEDULE—continued.

No. 63, 1972

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

SCHEDULE

Health Commission.

No. 63, 1972

SCHEDULE—*continued.*

Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Amendment.
1966, No. 31— <i>continued</i>	Poisons Act, 1966— <i>continued</i>	<p>Section 29—</p> <p>(a) Omit from subsection (4) “he”, insert instead “it”;</p> <p>(b) Omit from subsection (5) (d) “the Director-General”, insert instead “a member of the Commission or by an officer of the Commission authorised generally or specially by the Commission to do so”.</p> <p>Section 30 (5)—</p> <p>After “Public Service”, insert “or a member of the Commission”.</p> <p>Section 37 (1)—</p> <p>(a) Omit “person for the time being holding office as Director-General of Public Health”, insert instead “Commission”;</p> <p>(b) Omit “his”, insert instead “its”.</p> <p>Section 39—</p> <p>(a) Omit “the Under Secretary” where firstly occurring, insert instead “a member of the Commission or by an officer of the Commission authorised generally or specially by the Commission to do so”;</p> <p>(b) Omit “of the person appearing to have signed the certificate or that he was the Under Secretary”, insert instead “or of the official character or authority of the person purporting to have signed the certificate”.</p>
1908, No. 14..	Private Hospitals Act, 1908	<p>Section 2—</p> <p>Omit the definition of “Commission”, insert instead the following definition:—</p> <p>“Commission” means the Health Commission of New South Wales constituted under the Health Commission Act, 1972.</p>

SCHEDULE

*Health Commission.*SCHEDULE—*continued.*

No. 63, 1972

Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Amendment.
1908, No. 14 — <i>continued</i>	Private Hospitals Act, 1908 — <i>continued</i>	<p>Section 11 (1)—</p> <p>Omit “Board of Health” wherever occurring, insert instead “Commission”.</p> <p>Section 24—</p> <p>Omit “the Hospital Fund established under the Public Hospitals Act, 1929”, insert instead “Consolidated Revenue Fund”.</p> <p>Section 25—</p> <p>After “commencement” where secondly occurring insert “and before the appointed day under the Health Commission Act, 1972”.</p>
1902, No. 30..	Public Health Act, 1902	<p>Section 1—</p> <p>(a) Omit from the matter relating to Part II “BOARD OF HEALTH”, insert instead “ADVISORY BOARD OF HEALTH”;</p> <p>(b) Omit from the matter relating to Division 1 of Part II “<i>Board of Health</i>”, insert instead “<i>Advisory Board of Health</i>”.</p> <p>Section 3—</p> <p>(a) Omit the definition of “Board”, insert instead the following definition:— “Board” means the Advisory Board of Health constituted under this Act.</p> <p>(b) Insert next after the definition of “Chemical closet” the following new definition:— “Commission” means the Health Commission of New South Wales constituted under the Health Commission Act, 1972.</p> <p>(c) From the definition of “Health inspector” omit “Board”, insert instead “Commission”;</p>

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No. 63, 1972

SCHEDULE—*continued.*

Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Amendment.
1902, No. 30 — <i>continued</i>	Public Health Act, 1902— <i>continued</i>	<p>Section 3—<i>continued</i></p> <p>(d) From the definition of “Local authority” omit “Board”, insert instead “Commission”;</p> <p>(e) From the definition of “Officer” omit “Board”, insert instead “Commission”;</p> <p>(f) From the definition of “President” omit “of Health”.</p> <p>PART II—</p> <p>Omit the heading to the Part and to Division 1, insert instead the following heading:—</p> <p style="text-align: center;">PART II.</p> <p style="text-align: center;">THE ADVISORY BOARD OF HEALTH AND LOCAL AUTHORITIES.</p> <p style="text-align: center;">DIVISION 1.—<i>The Advisory Board of Health.</i></p> <p>Section 6—</p> <p>Omit the section, insert instead the following section:—</p> <p>Consti- 6. There is hereby constituted tution a body under the name of the of the “Advisory Board of Health” Board. which shall have and may exercise and perform the powers, authorities, duties and functions conferred or imposed upon it by or under this or any other Act.</p> <p>Section 7—</p> <p>Omit the section, insert instead the following section:—</p> <p>Members 7. (1) The Board shall consist of the of not less than seven nor more Board. than ten members appointed by the Minister, of whom not less than four shall be medical practitioners.</p>

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*Health Commission.*SCHEDULE—*continued.*

No. 63, 1972

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

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Health Commission.

No. 63, 1972

SCHEDULE—*continued.*

Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Amendment.
1902, No. 30 — <i>continued</i>	Public Health Act, 1902— <i>continued</i>	<p>Section 9—<i>continued</i></p> <p>recommendations to the Commission upon any matter relating to the powers, authorities, duties and functions conferred or imposed upon the Commission by this Act, the Pure Food Act, 1908, the Noxious Trades Act, 1902, the Fluoridation of Public Water Supplies Act, 1957, the Food Preservation by Sulphur Dioxide Enabling Act, 1920, or the Local Government Act, 1919.</p> <p>Sections 10; 11; 12; 13; 15; 16; 17; 20; 21; 23A; 24; 25; 26; 26F; 29; 29A; 30; 37; 41; 48 (1); 50; 50A; 50E; 51 (3); 51A; 52; 54; 56; 58; 60; 61; 62; 63; 71; 71B; 71C; 72; 75; 94; 95; 96; 99; 102; 102A; 103; 105; 107 and 110—</p> <p>Omit “Board” wherever occurring, insert instead “Commission”.</p> <p>Section 14—</p> <p>Omit “Board” where firstly, sixthly, seventhly and ninthly occurring, insert instead “Commission”.</p> <p>Section 18 (2)—</p> <p>Omit the subsection, insert instead the following subsection:—</p> <p>(2) A member of the Commission who is a medical practitioner shall</p>

SCHEDULE

*Health Commission.*SCHEDULE—*continued.*

No. 63, 1972

Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Amendment.
1902, No. 30— <i>continued</i>	Public Health Act, 1902— <i>continued</i>	<p>Section 18 (2)—<i>continued</i></p> <p>have and may exercise and perform all the powers of a medical officer of health.</p> <p>Section 23—</p> <p>Omit the section.</p> <p>Section 24 (1); 25—</p> <p>Omit “President or secretary” wherever occurring, insert instead “Chairman, secretary or other officer of the Commission authorised generally or specially by the Commission to do so”.</p> <p>Sections 26A; 26B; 26C; 26D; 26E; 26F; 30A; 32B; 32C; 32D—</p> <p>Omit “board” wherever occurring, insert instead “Commission”.</p> <p>Sections 32A (1); 43A (1) (ha)—</p> <p>Omit “President” wherever occurring, insert instead “Commission”.</p> <p>Sections 43A (1); 51 (2)—</p> <p>Omit “Board of Health” wherever occurring, insert instead “Commission”.</p> <p>Section 48 (2)—</p> <p>(a) Omit “President or secretary, or any two members of the Board”, insert instead “Chairman or secretary of the Commission or any officer of the Commission authorised generally or specially by the Commission to do so”;</p> <p>(b) Omit “Board” where secondly occurring, insert instead “Commission”.</p>

SCHEDULE

Health Commission.

No. 63, 1972

SCHEDULE—*continued.*

Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Amendment.
1902, No. 30— <i>continued</i>	Public Health Act, 1902— <i>continued</i>	<p>Section 50B—</p> <p>From paragraph (b) of the definition of "hospital" omit "Department of Public Health", insert instead "Commission".</p> <p>Section 50D—</p> <p>Omit "Director-General of Public Health", insert instead "Commission".</p> <p>Section 51 (2)—</p> <p>Omit "Board" where secondly occurring, insert instead "Commission".</p> <p>Section 73—</p> <p>Omit "Board or the President" wherever occurring, insert instead "Commission".</p> <p>Section 108 (1)—</p> <p>(a) Omit "Board" where firstly, secondly and fourthly occurring, insert instead "Commission";</p> <p>(b) Omit "President of the Board", insert instead "Chairman, secretary or other officer of the Commission authorised generally or specially by the Commission to do so".</p>
1944, No. 16..	Public Health (Amendment) Act, 1944	<p>Sections 6 (1) (b); 7 (1)—</p> <p>Omit "Board" wherever occurring, insert instead "Commission".</p>

SCHEDULE

*Health Commission.*SCHEDULE—*continued.*

No. 63, 1972

Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Amendment.
1902, No. 110	Public Health (Night-soil Removal) Act, 1902	<p>Section 2—</p> <p>(a) Omit "Health Board", insert instead "Health Commission of New South Wales";</p> <p>(b) Omit "Board" where secondly occurring, insert instead "Commission";</p> <p>(c) Omit "Board of Health", insert instead "Commission".</p>
1929, No. 8 ..	Public Hospitals Act, 1929	<p>Long title— Omit "to constitute a Hospitals Commission;".</p> <p>Section 1 (2)—</p> <p>(a) From the matter relating to Part II omit "HOSPITALS COMMISSION", insert instead "HEALTH COMMISSION";</p> <p>(b) Insert next after the matter relating to Part VA the following new matter:—</p> <p style="text-align: center;">PART VB.—HOSPITALS CONDUCTED BY THE HEALTH COMMISSION.</p> <p>(c) Insert at the end "FIFTH SCHEDULE."</p> <p>Section 3—</p> <p>(a) Omit the definition of "Commission", insert instead the following definition:— "Commission" means the Health Commission of New South Wales constituted under the Health Commission Act, 1972.</p> <p>(b) In the definition of "Hospital" after "applied" insert "by or under section 4".</p>

SCHEDULE

Health Commission.

No. 63, 1972

SCHEDULE—*continued.*

Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Amendment.
1929, No. 8— <i>continued</i>	Public Hospitals Act, 1929— <i>continued</i>	<p>Section 4 (1)— After “VA”, insert “or Part VB”.</p> <p>PART II, heading— Omit “HOSPITALS COMMISSION”, insert instead “HEALTH COMMISSION”.</p> <p>Sections 5; 6; 7; 8; 9; 10— Omit the sections.</p> <p>Section 11— Insert at the end of subsection (1) the following new paragraph:— (h) to conduct, manage, maintain and operate and, where necessary, to extend and improve the hospitals mentioned in the Fifth Schedule.</p> <p>Insert at the end the following new subsection:— (3) Where the Commission is of the opinion that it is in the public interest to do so, it may close any of the hospitals mentioned in the Fifth Schedule.</p> <p>Section 17— (a) Omit subsection (2) (a), insert instead the following paragraph:— (a) all moneys appropriated by Parliament for the purposes of this Act (including moneys so appropriated for the granting of subsidies or other assistance to hospitals and associated organisations) and, subject to subsection (2A), all other moneys received by the Commission from any other source pursuant to the exercise or performance of its powers, authorities, duties or functions under this Act; and;</p>

SCHEDULE

*Health Commission.*SCHEDULE—*continued.*

No. 63, 1972

Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Amendment.
1929, No. 8— <i>continued</i>	Public Hospitals Act, 1929— <i>continued</i>	<p>Section 17—<i>continued</i></p> <p>(b) Insert next after subsection (2) the following new subsection:— (2A) The Commission shall pay to the Treasurer such amount as is determined by the Treasurer as representing moneys received by the Commission in respect of the care or treatment of patients in hospitals mentioned in the Fifth Schedule.</p> <p>Section 29B (1) (a)—</p> <p>(a) Omit from subparagraph (ii) “and”, insert instead “or”;</p> <p>(b) Insert next after subparagraph (ii) the following new subparagraph:— (iii) the planning or construction of any building or facility for use as or by a hospital or proposed hospital; and.</p> <p>Part VB—</p> <p>Insert next after Part VA the following new Part:— PART VB.—HOSPITALS CONDUCTED BY THE HEALTH COMMISSION.</p> <p>Alteration of Fifth Schedule. 29j. The Governor may, on the recommendation of the Commission, by order published in the Gazette, amend the Fifth Schedule—</p> <p>(a) by inserting therein the name of a hospital or proposed hospital which is being, or is to be, conducted by the Commission;</p> <p>(b) alter the name of any hospital specified in that Schedule; or</p>

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Health Commission.

No. 63, 1972

SCHEDULE—*continued.*

Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Amendment.
1929, No. 8— <i>continued</i>	Public Hospitals Act, 1929— <i>continued</i>	<p>Part VB—<i>continued</i></p> <p>(c) where the Commission has closed any such hospital, remove the name of that hospital from that Schedule.</p> <p>Section 33 (2)—</p> <p>Omit “or on behalf of the State”, insert instead “the Commission”.</p> <p>Section 36 (1)—</p> <p>After “hospital” insert “(including a hospital mentioned in the Fifth Schedule)”.</p> <p>Fifth Schedule—</p> <p>Insert next after the Fourth Schedule the following new Schedule:—</p> <p style="text-align: center;">FIFTH SCHEDULE. Secs. 11 (1) (h), 29j.</p> <p>Allandale Hospital Bloomfield Hospital Broughton Hall Psychiatric Clinic Callan Park Hospital David Berry Hospital Garrawarra Hospital Gladesville Hospital Grosvenor Hospital Kenmore Hospital Lidcombe Hospital Marsden Hospital Morisset Hospital Newcastle Psychiatric Centre North Ryde Psychiatric Centre Parramatta Psychiatric Centre Peat and Milson Islands Hospital Randwick Chest Hospital Rydalmere Hospital Stockton Hospital Strickland House Tomaree Holiday Lodge</p>

SCHEDULE

SCHEDULE—continued.

No. 63, 1972

Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Amendment.
1901, No. 29..	Public Institutions Inspection Act, 1901	Section 6— Omit “or infirmaries only the Hospitals Commission of New South Wales or an officer duly authorised by it in that behalf under its seal either generally or in a particular case”, insert instead “(within the meaning of the Public Hospitals Act, 1929) only the Health Commission of New South Wales or an officer of that Commission authorised generally or specially in writing by the Commission to do so”.
1908, No. 31..	Pure Food Act, 1908	Section 4— (a) Omit from subsection (1) the definition of “Board”, insert instead the following definition:— “Commission” means the Health Commission of New South Wales constituted under the Health Commission Act, 1972. (b) From the definitions of “Local authority” and “Officer” in subsection (1) omit “board” wherever occurring, insert instead “Commission”. Sections 4 (2); 6 (3); 9; 16; 17; 17A; 18; 19; 19A; 20; 21 (3); 22 (1); 26; 32; 34; 37; 51 (2); 53; 54; 55— Omit “board” and “Board of Health” wherever occurring, insert instead “Commission”.

Health Commission.

No. 63, 1972

SCHEDULE—*continued.*

Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Amendment.
1908, No. 31 — <i>continued</i>	Pure Food Act, 1908— <i>continued</i>	<p>Section 6 (1)—</p> <p>(a) Omit “the president of the Board of Health,” insert instead “a member of the Commission nominated by the Commission, or an officer of the Commission so nominated,”;</p> <p>(b) Omit “the medical officer of health, metropolitan combined sanitary districts”, insert instead “a medical officer of health within the meaning of the Public Health Act, 1902, from time to time nominated by the Commission”.</p> <p>Section 8—</p> <p>(a) After “public service” insert “or a member of the Commission”;</p> <p>(b) Omit “, but such fees shall not exceed four dollars twenty cents per member per sitting”.</p> <p>Section 51—</p> <p>(a) Omit from subsection (1) “president of the board”, insert instead “Commission”;</p> <p>(b) Omit from subsection (1) “he”, insert instead “it”;</p> <p>(c) Omit from subsection (1) “his”, insert instead “its”;</p> <p>(d) Omit from subsection (1) “him”, insert instead “it”;</p> <p>(e) Omit from subsection (2) “said president”, insert instead “Commission”;</p> <p>(f) Omit from subsection (3) “of the president”.</p> <p>Section 51A—</p> <p>(a) Omit from subsection (1) the definition of “Director-General”;</p> <p>(b) Omit from subsections (2), (3), (4), (5), (6), (8) “the Director-General” wherever occurring, insert instead “a member of the Commission”.</p>

SCHEDULE

*Health Commission.*SCHEDULE—*continued.*

No. 63, 1972

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

SCHEDULE

Health Commission.

No. 63, 1972

SCHEDULE—*continued.*

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

SCHEDULE

*Health Commission.*SCHEDULE—*continued.*

No. 63, 1972

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

SCHEDULE

Health Commission.

No. 63, 1972

SCHEDULE—*continued.*

Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Amendment.

PART 2.

1929, No. 8 . . . Public Hospitals Act, 1929

Sections 40BA; 40BB—

Insert next after section 40B the following new sections:—

Determination of conditions of employment of officers and employees of hospitals.

40BA. (1) In this section—
“hospital” means any hospital whose name is included in the Second Schedule or Third Schedule and includes any associated organisation whose name is included in the Fourth Schedule;

(2) Except in so far as provision is otherwise made by law, the conditions of employment, including salaries, wages or remuneration, of the officers and employees of hospitals shall be as may be determined from time to time by the Commission.

(3) The Commission shall, for the purpose of making any determination under subsection (2) or of any proceedings relating to officers and employees of hospitals, held before a competent tribunal having power to deal with industrial matters within the meaning of the Industrial Arbitration Act, 1940, be deemed to be the employer of the officers and employees of hospitals.

(4) The Commission may enter into an agreement with any association or

SCHEDULE

Health Commission.

SCHEDULE—*continued.*

No. 63, 1972

Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Amendment.
1929, No. 8— <i>continued</i>	Public Hospitals Act, 1929— <i>continued</i>	Sections 40BA; 40BB— <i>continued</i> organisation representing any group or class of officers and employees of hospitals with respect to the salaries, wages or remuneration of that class or group. (5) An agreement referred to in subsection (4) shall bind all officers and employees in the class or group affected by the agreement and no such officer or employee, whether a member of the association or organisation with which the agreement was entered into or not, shall have any right of appeal against the terms of the agreement. (6) Any determination made by the Commission in respect of a matter referred to in subsection (2), any order or determination made by a competent tribunal in any proceedings referred to in subsection (3), and any agreement referred to in subsection (4), shall be given effect to by the hospitals employing the officers and employees. (7) Nothing in this section authorises— (a) the Commission to act as an employer; or (b) any power, authority, duty or function to be exercised or performed by or in relation to the Commission, otherwise than for the purposes of and in accordance with this section.

SCHEDULE

Health Commission.

No. 63, 1972

SCHEDULE—*continued.*

Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Amendment.
1929, No. 8— <i>continued</i>	Public Hospitals Act, 1929— <i>continued</i>	<p>Sections 40BA; 40BB—<i>continued</i></p> <p>Commission 40BB. (1) In this section, “hospital” means any hospital entitled to whose name is included in the certain Second Schedule or Third payments Schedule and includes any under associated organisation whose Local name is included in the Fourth Govern- ment Schedule.</p> <p>(Super- annuation) (2) Any moneys that would but for this subsection be payable to a hospital under section 15Y or 15Z of the Local Government (Superannuation) Act, 1927, shall be paid to the Commission.</p> <p>(3) The Commission shall out of the moneys received by it under subsection (2) in respect of a former contributor or a contributor referred to in section 15Y or 15Z of the Local Government (Superannuation) Act, 1927, pay to any person who has been an employer of that former contributor, or contributor, and who makes application in writing to the Commission for the payment, such part of those moneys as the Commission deems proper, having regard to the payments made by that employer in respect of that former contributor, or contributor, to the Local Government Superannuation Board constituted under that Act.</p>

LOCAL