

**NEW SOUTH WALES INSTITUTE OF PSYCHIATRY
(AMENDMENT) ACT, 1980, No. 58**

New South Wales



ANNO VICESIMO NONO

ELIZABETHÆ II REGINÆ

Act No. 58, 1980.

An Act to amend the New South Wales Institute of Psychiatry Act, 1964, to vary the membership of the New South Wales Institute of Psychiatry and to make amendments by way of statute law revision. [Assented to, 28th April, 1980.]

New South Wales Institute of Psychiatry (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the “New South Wales Institute of Psychiatry (Amendment) Act, 1980”. Short title.

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

(2) Section 5, in its application to Schedule 1, and Schedule 1 shall commence or be deemed to have commenced, as the case may require, on 7th May, 1980.

3. The New South Wales Institute of Psychiatry Act, 1964, is referred to in this Act as the Principal Act. Principal Act.

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

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

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

5. The Principal Act is amended in the manner set forth in Schedules 1 and 2. Amendment of Act No. 44, 1964.

New South Wales Institute of Psychiatry (Amendment).

Sec. 5.

SCHEDULE 1.

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
MEMBERSHIP OF THE INSTITUTE.

(1) (a) Section 5 (2) (b), (c)—

Omit the paragraphs, insert instead :—

- (b) 2 persons, each of whom shall be either a person appointed under the Health Commission Act, 1972, as a commissioner and nominated by the Commission, or an officer of the Commission so nominated, and at least 1 of whom shall be a psychiatrist; and

(b) Section 5 (2) (e)—

Omit the paragraph, insert instead :—

- (e) such persons as are duly nominated as follows :—
 - (i) 2 persons nominated by the Senate of the University of Sydney, at least 1 of whom shall be a professor of psychiatry of that University, or if there is no such professor of psychiatry, a psychiatrist;
 - (ii) 2 persons nominated by the Council of the University of New South Wales, at least 1 of whom shall be a professor of psychiatry of that University, or if there is no such professor of psychiatry, a psychiatrist;
 - (iii) 2 persons nominated by the Council of the University of Newcastle, at least 1 of whom shall be a professor of psychiatry of that University, or if there is no such professor of psychiatry, a psychiatrist;

New South Wales Institute of Psychiatry (Amendment).

SCHEDULE 1—*continued.*

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

- (iv) 2 persons nominated by the Royal Australian and New Zealand College of Psychiatrists, at least 1 of whom shall be a psychiatrist;
- (v) 1 person nominated by the Deputy Commissioner, Department of Veterans' Affairs of the Commonwealth, New South Wales Branch, and who shall be a psychiatrist.

(c) Section 5 (3) (a)—

Omit the paragraph.

(2) Section 6—

Omit "other than the persons referred to in paragraphs (b) and (c) of subsection (2) of section 5", insert instead "; other than the persons referred to in section 5 (2) (b).".

(3) Section 11 (2) (a)—

Omit "paragraph (a), (c) or (e) of subsection (2) of section 5", insert instead "section 5 (2) (a) or (e)".

(4) Section 12 (2) (a), (b), (c)—

Omit the paragraphs, insert instead :—

- (a) pursuant to section 5 (2) (a), be appointed on the nomination of the Minister;

New South Wales Institute of Psychiatry (Amendment).

SCHEDULE 1—*continued.*

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

- (b) pursuant to section 5 (2) (b), be appointed on the nomination of the Commission; or
- (c) pursuant to section 5 (2) (e), be appointed on the nomination of the person or body which nominated the member in whose place he is appointed to act.

Sec. 5.

SCHEDULE 2.

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

- (1) Section 4 (3)—
Omit “of Australia” wherever occurring.
- (2) (a) Section 5 (3)—
Omit “paragraph (a) of subsection (2)”, insert instead “subsection (2) (a)”.
 - (b) Section 5 (3) (b)—
Omit the paragraph, insert instead :—
 - (b) is a person appointed under the Health Commission Act, 1972, as a commissioner, is an officer of the Commission or is employed in any branch of the Department of Veterans’ Affairs of the Commonwealth; or

New South Wales Institute of Psychiatry (Amendment).

SCHEDULE 2—*continued.*

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

(c) Section 5 (3) (c)—

Omit “paragraph (e) of subsection (2)”, insert
instead “subsection (2) (e)”.

(3) (a) Section 7—

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

(b) Section 7—

Omit “, as so amended”.

(4) (a) Section 8 (2)—

Omit “expenses”, insert instead “expenses,”.

(b) Section 8 (2)—

Omit “, or any Act amending that Act”.

(5) (a) Section 9 (5)—

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

(b) Section 9 (6)—

Omit “Institute”, insert instead “Institute,”.

New South Wales Institute of Psychiatry (Amendment).

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

(6) (a) Section 10 (1) (c)—

Omit the paragraph, insert instead:—

- (c) becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act;

(b) Section 10 (1) (f)—

After "member:", insert "or".

(7) Section 11 (2) (a)—

After "member:", insert "or".

(8) (a) Section 15 (1)—

Omit "which committee is".

(b) Section 15 (1)—

Omit "subsection (5) of section 16", insert instead "section 16 (5)".

(9) (a) Section 16 (4) —

Omit "thereof", insert instead "thereof,".

(b) Section 16 (5) —

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

New South Wales Institute of Psychiatry (Amendment).

SCHEDULE 2—*continued.*

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

(c) Section 16 (9)—

Omit “(11)”, insert instead “(11),”.

(d) Section 16 (13)—

Omit “section 16”, insert instead “section 17”.

(10) Section 18 (3)—

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

(11) Section 19 (2)—

Omit “as amended by subsequent Acts,”.

(12) (a) Section 20 (1)—

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

(b) Section 20 (2)—

Omit “Institute” where firstly occurring, insert instead “Institute,”.

(c) Section 20 (3)—

Omit “Salaries and fees payable pursuant to this subsection shall be part of the costs of administration of this Act.”, insert instead :—

(3A) Salaries and fees payable pursuant to subsection (3) shall be part of the costs of administration of this Act.

New South Wales Institute of Psychiatry (Amendment).

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

(d) Section 20 (4)—

Omit the subsection, insert instead :—

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

(13) Section 22—

Omit “and any Acts amending that Act”.

(14) (a) Section 24 (2) (c)—

Omit “paragraph (c), (d) or (e) of subsection (1) of section 4”, insert instead “section 4 (1) (c), (d) or (e)”.

(b) Section 24 (2) (d)—

Omit “paragraph (c), (d) or (e) of subsection (1) of section 4;”, insert instead “section 4 (1) (c), (d) or (e); and”.

(c) Section 24 (2) (e)—

Omit “paragraph (h) of subsection (1) of section 4”, insert instead “section 4 (1) (h)”.

New South Wales Institute of Psychiatry (Amendment).

SCHEDULE 2—*continued.*

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

(d) Section 24 (3), (4)—

Omit section 24 (3), insert instead :—

(3) A by-law shall be submitted to the Governor for his approval and shall not be published in the Gazette until after it has been approved by the Governor.

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