

**DRUG AND ALCOHOL AUTHORITY ACT, 1980,  
No. 82**

**New South Wales**



ANNO VICESIMO NONO

**ELIZABETHÆ II REGINÆ**

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**Act No. 82, 1980.**

An Act to constitute the Drug and Alcohol Authority of New South Wales and to specify its functions. [Assented to, 1st May, 1980.]

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*Drug and Alcohol Authority.*

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**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 :—

**PART I.**

**PRELIMINARY.**

**1.** This Act may be cited as the “Drug and Alcohol Authority Short title. Act, 1980”.

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

(2) Except as provided by subsection (1), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

**3.** This Act is divided as follows :—

Arrange-  
ment.

**PART I.—PRELIMINARY—ss. 1–4.**

**PART II.—CONSTITUTION OF THE AUTHORITY—ss. 5–8.**

**PART III.—FUNCTIONS OF THE AUTHORITY—ss. 9–11.**

**PART IV.—FINANCE—ss. 12–19.**

**PART V.—GENERAL—ss. 20–25.**

**SCHEDULE 1.—PROVISIONS RELATING TO THE CONSTITUTION AND MEMBERSHIP OF THE AUTHORITY.**

**SCHEDULE 2.—PROVISIONS RELATING TO MEETINGS OF THE AUTHORITY.**

**SCHEDULE 3.—PROVISIONS RELATING TO THE PRESERVATION OF RIGHTS OF CERTAIN PERSONS ON APPOINTMENT AS CHAIRMAN.**

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Interpre-  
tation.

4. (1) In this Act, except in so far as the context or subject-matter otherwise indicates or requires—

“Authority” means the Drug and Alcohol Authority of New South Wales constituted under this Act;

“Chairman” means the Chairman of the Authority;

“Deputy Chairman” means the Deputy Chairman of the Authority;

“drug and alcohol service” means any service or facility relating to—

- (a) the detection of drug or alcohol related problems;
- (b) the diagnosis of drug or alcohol related problems;
- (c) the treatment or rehabilitation of persons suffering from drug or alcohol related problems; or
- (d) the prevention or alleviation of drug or alcohol related problems,

whether the service or facility is provided by any Government Department, public authority or other organisation or person;

“functions” includes powers, authorities and duties;

“member” means a member of the Authority.

(2) A reference in this Act to a drug or alcohol related problem includes a reference to any personal, social, health or economic problem arising from or related to the use of a drug or alcohol, or both.

(3) A reference in this Act to the exercise of a function includes, where that function is a duty, the performance of that duty.

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PART II.

CONSTITUTION OF THE AUTHORITY.

5. (1) There is hereby constituted a corporation under the Constitution of the corporate name of the "Drug and Alcohol Authority of New South Wales".

(2) The Authority shall, in the exercise of its functions (except in relation to the contents of any advice, report or recommendation given or made by it to the Minister), be subject to the control and direction of the Minister.

(3) The Authority is, for the purposes of any Act, a statutory body representing the Crown.

6. (1) The Authority shall consist of 10 members appointed by the Governor.

(2) The members shall comprise—

- (a) a person, nominated by the Minister, being a person who is appointed under the Health Commission Act, 1972, as a commissioner and who is a medical practitioner;
- (b) a person, nominated by the Minister for the time being administering the Police Regulation Act, 1899, being a member of the police force;
- (c) a person, nominated by the Minister for the time being administering the Education Act, 1961, being an officer of the Public Service employed within the Department of Education;
- (d) a person, nominated by the Minister, being a barrister admitted by, or a solicitor of, the Supreme Court of New South Wales;

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(e) 2 persons, nominated by the Minister, each of whom is a member or an officer of a body providing, on a non-profit basis, drug and alcohol services and who are actively involved in the provision of those services and both of whom are not members or officers of the same such body; and

(f) 4 persons nominated by the Minister.

(3) One of the members (other than the member referred to in subsection (2) (a)) shall, in and by the instrument of his appointment as a member or by a subsequent instrument executed by the Governor, be appointed as Chairman.

(4) The member referred to in subsection (2) (a) shall be the Deputy Chairman.

(5) The provisions of the Public Service Act, 1979, do not apply to the appointment of a member and a member is not, in his capacity as a member, subject to that Act during his term of office.

Provisions relating to the constitution, membership and meetings of the Authority.

7. (1) Schedule 1 has effect with respect to the constitution and membership of the Authority.

(2) Schedule 2 has effect with respect to the meetings of the Authority.

(3) Schedule 3 has effect with respect to the preservation of rights of certain persons on appointment as Chairman.

Appointment of members of staff of the Authority.

8. Such officers and temporary employees as may be necessary for the exercise of the functions of the Authority may be appointed and employed under and subject to the Public Service Act, 1979.

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PART III.

FUNCTIONS OF THE AUTHORITY.

9. (1) The Authority may—

Functions  
of the  
Authority.

- (a) formulate programmes for, and promote and facilitate the provision of, comprehensive, balanced and co-ordinated drug and alcohol services throughout New South Wales;
- (b) monitor and evaluate drug and alcohol services being provided throughout New South Wales and in such other places as the Authority determines;
- (c) undertake, promote and facilitate research into the nature, extent, detection, diagnosis, prevention or alleviation of drug or alcohol related problems and the treatment or rehabilitation of persons suffering from drug or alcohol related problems;
- (d) promote and facilitate the development and implementation of educational or training programmes relating to drug or alcohol related problems;
- (e) provide grants to public authorities or other organisations or persons, subject to such conditions (if any) as the Authority considers fit, for the purposes of assisting in the carrying out of the functions of the Authority or assisting or enabling the provision of drug and alcohol services throughout New South Wales; and
- (f) advise the Minister with respect to—
  - (i) the provision of drug and alcohol services throughout New South Wales; and
  - (ii) drug or alcohol related problems,  
including such matters with respect thereto as the Minister may from time to time direct.

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(2) The Authority may exercise its functions in association with any public authorities or other organisations, in New South Wales or elsewhere, being public authorities or organisations having functions which are similar or complementary to the functions of the Authority.

(3) The Authority may exercise such other functions as are conferred or imposed on it by this Act or by or under any other Act.

(4) The Authority may do all such supplemental, incidental and consequential acts as may be necessary or expedient for the exercise of its functions.

Authority  
to consult  
others in  
exercise  
of its  
functions.

**10.** Where the functions of the Authority are the same as or similar to the functions of the Health Commission of New South Wales or another body constituted under an Act, the Authority shall, in the exercise of those functions, consult with the Commission or the other body, as the case may require.

Annual  
report.

**11.** (1) As soon as practicable after 30th June, but on or before 30th September, in each year, the Authority shall prepare and forward to the Minister a report of its work and activities for the 12 months ending on 30th June in that year.

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

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PART IV.

FINANCE.

**12.** There shall be established in the Special Deposits Account in the Treasury a Drug and Alcohol Authority General Fund.

Drug and Alcohol Authority General Fund.

**13.** (1) There shall be paid into the Drug and Alcohol Authority General Fund—

Payments into and out of the General Fund.

- (a) any money provided by Parliament for the purpose of the Fund;
- (b) any money provided by Parliament before the commencement of this section for the New South Wales Drug and Alcohol Authority as constituted before that commencement and not expended before that commencement; and
- (c) any other money received by the Authority, other than money referred to in section 16.

(2) There may be paid out of the Drug and Alcohol Authority General Fund—

- (a) any charges, costs and expenses incurred by the Authority in the exercise of its functions;
- (b) grants made pursuant to section 9 (1) (e); and
- (c) any costs of the Authority in joining or affiliating with any public authorities or other organisations referred to in section 9 (2).

**14.** The Treasurer may advance such money to the Authority, upon such terms and conditions as to repayment and interest, as may be agreed upon.

Advances by Treasurer.

**15.** There shall be established in the Special Deposits Account in the Treasury a Drug and Alcohol Authority Special Projects Fund.

Drug and Alcohol Authority Special Projects Fund.



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Payments  
into and  
out of  
the  
Special  
Projects  
Fund.

**16.** (1) There shall be paid into the Drug and Alcohol Authority Special Projects Fund any money received by the Authority pursuant to or in connection with any gift, bequest or devise.

(2) Subject to subsection (3), any money in the Drug and Alcohol Authority Special Projects Fund may be expended by the Authority, with the approval of the Minister, in the exercise of its functions.

(3) The Authority shall not expend any money referred to in subsection (2) in contravention of any condition to which the Authority has agreed under section 20 (1).

(4) Subject to any condition to which the Authority has agreed under section 20 (1), any money in the Drug and Alcohol Authority Special Projects Fund may be invested by the Authority in any manner in which trustees are for the time being authorised to invest trust funds or in any manner authorised by any such condition in relation to the investment of the money.

(5) The Authority may withdraw money standing to the credit of the Drug and Alcohol Authority Special Projects Fund for the purpose of investing it under subsection (4) and any amounts received by the Authority pursuant to any such investments, whether by way of realisation or disposal of the investments or otherwise, shall be paid into the Fund.

Authority  
to keep  
accounts.

**17.** (1) The Authority shall cause to be kept proper accounts and records in relation to all of its operations.

(2) The Authority shall, as soon as practicable, but within 3 months, after the end of each financial year, prepare and submit to the Minister for presentation to Parliament a statement of accounts together with the Auditor-General's certificate given under this section in relation to the statement.

(3) The statement of accounts shall be in a form approved by the Auditor-General and shall exhibit a true and fair view of the financial position and transactions of the Authority.

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(4) The Authority shall, as soon as practicable after the end of the financial year to which a statement of accounts relates, transmit the statement to the Auditor-General for verification and certification.

(5) The Auditor-General's certificate shall state that he has audited the accounts of the Authority relating to the relevant financial year, and shall indicate whether the statement of accounts complies with subsection (3), and shall set forth any qualifications subject to which the certificate is given.

(6) Nothing in this section prevents the alteration of the statement of accounts, with the approval of the Auditor-General, after its receipt by him and before its submission to the Minister.

(7) The Minister shall lay the statement of accounts, or cause it to be laid, together with the Auditor-General's certificate, before both Houses of Parliament as soon as practicable after the receipt by him of the statement.

(8) The financial year of the Authority shall be the year ending on 30th June.

**18.** (1) The accounts and records of financial transactions of the Authority, and the records relating to assets of or in the custody of the Authority, shall be inspected and audited by the Auditor-General. **Audit.**

(2) For the purposes of any such inspection and audit, the Auditor-General or a person authorised by him is entitled at all reasonable times to full and free access to the accounts, records, documents and papers of the Authority and may make copies thereof or take extracts therefrom.

(3) The Auditor-General or a person authorised by him may require a person, being a member, officer or temporary employee of the Authority, to furnish him with such information in the possession of the person or to which the person has access as the Auditor-General or authorised person considers necessary for the purposes of the functions of the Auditor-General under this Act, and the person shall comply with the requirement.

Penalty : \$200.

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(4) The Auditor-General may dispense with all or any part of the detailed inspection and audit of any accounts or records referred to in subsection (1).

(5) The Auditor-General shall report to the Authority and the Minister on the result of any such inspection and audit, and as to such irregularities or other matters as in his judgment call for special notice.

(6) Towards defraying the costs and expenses of any such inspection and audit, the Authority shall pay to the Consolidated Revenue Fund such amounts, at such times, as the Treasurer decides.

Application  
of Audit  
Act, 1902.

**19.** The Audit Act, 1902, shall apply to the members, officers and temporary employees of the Authority in the same way as it applies to accounting officers of public departments.

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PART V.

GENERAL.

Power to  
accept  
gifts,  
etc.

**20.** (1) The Authority has power to acquire by gift, bequest or devise any property for any of the purposes of this Act and to agree to and carry out the conditions of the gift, bequest or devise.

(2) The rule of law against remoteness of vesting shall not apply to any condition of a gift, bequest or devise to which the Authority has agreed.

Disposal  
of land.

**21.** (1) Subject to subsection (2), the Authority 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 or any part

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thereof, that has been acquired by the Authority under this or any other Act, 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.

(2) The Authority shall not sell, lease, exchange or otherwise deal with or dispose of, or grant easements or rights-of-way over, land or any part thereof in contravention of a condition to which the Authority has agreed under section 20 (1).

**22.** (1) The Authority may, by resolution, delegate to a Delegation member, an officer or a temporary employee of the Authority the exercise of such of the Authority's functions (other than this power of delegation) as are specified in the resolution, and may, by resolution, revoke wholly or in part any such delegation.

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

(3) A delegation under this section may be made subject to such conditions or limitations as to the exercise of any of the functions delegated, or as to time or circumstance, as are specified in the resolution.

(4) Notwithstanding any delegation under this section, the Authority may continue to exercise all or any of the functions delegated.

(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 and effect as if the act or thing had been done or suffered by the Authority and shall be deemed to have been done or suffered by the Authority.

(6) An instrument purporting to be signed by a delegate of the Authority in his capacity as such a delegate shall in all courts and before all persons acting judicially be received in evidence as if it were an instrument executed by the Authority

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under seal and, until the contrary is proved, shall be deemed to be an instrument signed by a delegate of the Authority under this section.

Authenti-  
cation of  
documents.

**23.** Every summons, process, demand, order, notice, statement, direction or document requiring authentication by the Authority may be sufficiently authenticated without the seal of the Authority if signed by the Chairman.

Service of  
documents.

**24.** Any notice, summons, writ or other proceeding to be served on the Authority may be served—

(a) by being left; or

(b) in the case of a notice, by posting it addressed to the Authority,

at its office (or, if it has more than one office, at one of its offices).

Penalties.

**25.** Any penalty imposed by this Act may be recovered in a summary manner before a court of petty sessions constituted by a stipendiary magistrate sitting alone.

Sec. 7 (1).

SCHEDULE 1.

PROVISIONS RELATING TO THE CONSTITUTION AND MEMBERSHIP OF  
THE AUTHORITY.

Age of  
member.

1. A person who is of or above the age of—

(a) 65 years shall not be appointed as the Chairman; or

(b) 70 years shall not be appointed as a member, other than the Chairman.

Term of  
office.

2. A member shall, subject to this Act, be appointed for such term, not exceeding 5 years, as is specified in the instrument of his appointment and shall, if otherwise qualified, be eligible for reappointment as a member.

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SCHEDULE 1—*continued.*

PROVISIONS RELATING TO THE CONSTITUTION AND MEMBERSHIP OF  
THE AUTHORITY—*continued.*

3. The Chairman shall devote the whole of his time to the duties of his office. Provisions relating to Chairman.

4. (1) Where, by or under any Act, provision is made requiring the holder of an office specified therein to devote the whole of his time to the duties of his office, that provision does not operate to disqualify him from holding that office and also the office of a member, other than the Chairman, or from accepting and retaining any remuneration payable to him as a member under clause 5 (2). Provisions relating to part-time members.

(2) The office of a member, other than the Chairman, shall, for the purposes of any Act, be deemed not to be an office or place of profit under the Crown.

5. (1) The Chairman is entitled to be paid— Remuneration of members.  
(a) remuneration in accordance with the Statutory and Other Offices Remuneration Act, 1975; and  
(b) such travelling and subsistence allowances as the Minister may from time to time determine in respect of him.

(2) A member, other than the Chairman, is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of him.

6. (1) The Deputy Chairman shall act for the Chairman during the absence or illness of the Chairman and, while he so acts, shall have and may exercise the functions of the Chairman. Acting members.

(2) The Minister may at any time appoint as an alternate member to act during the absence or illness of a member, other than the Chairman, a person who holds the same qualification, if any, and is nominated in the same manner, as the person for whom he is the alternate member.

(3) An alternate member shall have and may exercise, while acting as a member, the functions, as such a member, of the person for whom he is the alternate member.

(4) The Chairman or any other member is, for the purposes of this clause, deemed to be absent from his office if there is a vacancy in that office which has not been filled in accordance with clause 10.

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SCHEDULE 1—*continued.*
 PROVISIONS RELATING TO THE CONSTITUTION AND MEMBERSHIP OF  
 THE AUTHORITY—*continued.*

- No inquiry necessary as to acting members.
7. No person shall be concerned to inquire whether or not any occasion has arisen requiring or authorising—
- (a) the Deputy Chairman to act for the Chairman; or
  - (b) a person to act in the office of a member, other than the Chairman.
- and all things done or omitted or suffered to be done by the Deputy Chairman or that person, as the case may be, while so acting shall be as valid and effectual and shall have the same consequences as if they had been done or omitted or suffered to be done by the Chairman or that member, as the case may be.
- Removal from office.
8. (1) The Governor may remove the Chairman from office for misbehaviour or incompetence.
- (2) The Governor may, for any cause which to him seems sufficient, remove a member, other than the Chairman, from office.
- Vacation of office.
9. A member shall be deemed to have vacated his office—
- (a) if he dies;
  - (b) if he resigns his office by writing under his hand addressed to the Minister and the Governor accepts his resignation;
  - (c) if he becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit;
  - (d) if he 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;
  - (e) if he is convicted in New South Wales of a crime or an offence punishable by imprisonment for 12 months or upwards, or if he is convicted elsewhere than in New South Wales of a crime or an offence which if committed in New South Wales would be a crime or an offence so punishable;

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SCHEDULE 1—*continued.*

PROVISIONS RELATING TO THE CONSTITUTION AND MEMBERSHIP OF  
THE AUTHORITY—*continued.*

- (f) if—
- (i) being the Chairman, he absents himself from duty for a period of more than 14 consecutive days, except on leave granted by the Minister; or
  - (ii) being a member other than the Chairman, he is absent from 4 consecutive ordinary meetings of the Authority of which reasonable notice has been given to him, unless on leave granted to him by the Authority,  
which leave is hereby authorised to be granted;
- (g) if, at any meeting of the Authority at which he is present and at which any matter in which he has a direct or indirect pecuniary interest is being or about to be considered by the Authority—
- (i) he fails, as soon as practicable after the relevant facts have come to his knowledge, to disclose to the meeting his interest in the matter; or
  - (ii) he takes part in any consideration or discussion of, or votes on any question with respect to, that matter;
- (h) if he ceases to hold any qualification by virtue of which he was appointed as a member;
- (i) if he is removed from office by the Governor under clause 8;
- (j) upon his attaining the age of—
- (i) if he is the Chairman—65 years; or
  - (ii) if he is a member, other than the Chairman—70 years; or
- (k) if, being the Chairman, he engages (whether in New South Wales or elsewhere) during his term of office in any paid employment outside the duties of his office.

10. (1) On the occurrence of a vacancy in the office of a member, the Governor may appoint a person to the vacant office for the balance of his predecessor's term of office. Filling  
of casual  
vacancies.

(2) A person appointed under subclause (1) of this clause shall be a person who holds the same qualifications, if any, and is nominated in the same manner, as the member whose office has become vacant was qualified and nominated.



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SCHEDULE 1—*continued.*PROVISIONS RELATING TO THE CONSTITUTION AND MEMBERSHIP OF  
THE AUTHORITY—*continued.*

Protection from liability. 11. No matter or thing done, and no contract entered into, by the Authority, and no matter or thing done by a member or by any other person acting under the direction or as a delegate of the Authority shall, if the matter or thing was done, or the contract was entered into, in good faith for the purposes of executing this Act, subject the member or person personally to any action, liability, claim or demand.

Sec. 7 (2).

## SCHEDULE 2.

## PROVISIONS RELATING TO MEETINGS OF THE AUTHORITY.

Convening of meetings. 1. (1) The Chairman may, at any time, convene a meeting of the Authority.

(2) The Chairman, on receipt of a request in writing signed by 3 members, shall convene a meeting of the Authority within 14 days after the receipt by him of the request.

Quorum. 2. At a meeting of the Authority, 6 members constitute a quorum.

Meetings. 3. (1) Any duly convened meeting of the Authority at which a quorum is present shall be competent to transact any business of the Authority.

(2) Questions arising at a meeting of the Authority shall be determined by a majority of votes of the members present and voting.

General procedure. 4. The procedure for the calling of, and for the conduct of business at, meetings of the Authority shall be as determined by the Authority.

Chairman to preside. 5. The Chairman shall preside at all meetings of the Authority at which he is present.

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SCHEDULE 2—*continued.*

PROVISIONS RELATING TO MEETINGS OF THE AUTHORITY—*continued.*

6. (1) In the absence of the Chairman from any meeting of the Authority, the Deputy Chairman shall preside as chairman at that meeting. Absence of  
Chairman.

(2) Where both the Chairman and the Deputy Chairman are absent from any meeting of the Authority, the members present shall appoint one of their number to preside as chairman at that meeting.

7. The member presiding at a meeting of the Authority shall have a deliberative vote and, in the event of an equality of votes, shall also have a second or casting vote. Presiding  
vote.

8. (1) The Authority shall cause full and accurate minutes to be kept of its proceedings at meetings. Minutes of  
meetings.

(2) The Authority shall submit a copy of the minutes of a meeting of the Authority to the Minister within 14 days after the date on which the meeting is held.

9. In proceedings by or against the Authority, no proof shall be required (until evidence is given to the contrary) of— Presump-  
tions.

- (a) the constitution of the Authority;
- (b) the due making of any resolution of the Authority;
- (c) the appointment of any member; or
- (d) the presence of a quorum at any meeting of the Authority.

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Sec. 7 (3).

## SCHEDULE 3.

PROVISIONS RELATING TO THE PRESERVATION OF RIGHTS OF CERTAIN  
PERSONS ON APPOINTMENT AS CHAIRMAN.

Interpre-  
tation:  
Sch. 3.

1. In this Schedule—

“statutory body” means any body declared under clause 6 to be a statutory body for the purposes of this Schedule;

“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.

Preserva-  
tion of  
rights of  
Chairman.

2. Subject to clause 3 and to the terms of his appointment, where the Chairman was, immediately before his appointment as Chairman—

(a) an officer of the Public Service;

(b) a contributor to a superannuation scheme;

(c) an officer employed by a statutory body; or

(d) a person in respect of whom provision was made by any Act that he retain any rights accrued or accruing to him as an officer or employee,

he—

(e) shall retain any rights accrued or accruing to him as such an officer, contributor or person;

(f) may continue to contribute to any superannuation scheme to which he was a contributor immediately before his appointment as Chairman; and

(g) 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, contributor or person during his service as Chairman, and—

(h) his service as Chairman 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

(i) he shall be deemed to be an officer or employee, and the Government shall be deemed to be his employer, for the purposes of the superannuation scheme to which he is entitled to contribute under this clause.

*Drug and Alcohol Authority.*SCHEDULE 3—*continued.*PROVISIONS RELATING TO THE PRESERVATION OF RIGHTS OF CERTAIN  
PERSONS ON APPOINTMENT AS CHAIRMAN—*continued.*

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

Consequence of becoming contributor to another superannuation scheme.

(2) Subclause (1) of this clause does not prevent the payment to the Chairman 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 his resignation, to be an officer or employee for the purposes of that scheme.

4. The Chairman shall not, in respect of the same period of service, be entitled to claim a benefit under this Act and another Act.

Restrictions on entitlement to benefit.

5. (1) In this clause, "retiring age" means—

(a) in relation to a person who was, immediately before his appointment as Chairman, an officer of the Public Service—the age of 60 years; and

(b) in relation to a person who was, immediately before his appointment as Chairman, an officer or employee of a statutory body—the age at which officers or employees (being officers or employees of the class to which that person belonged immediately before his appointment as Chairman), as the case may be, of that statutory body are entitled to retire.

Chairman entitled to re-appointment in former employment in certain cases.

(2) A person who ceases to be Chairman, otherwise than pursuant to clause 9 (paragraph (b) excepted) of Schedule 1, shall, if he has not attained the retiring age, be entitled to be appointed, where, immediately before his appointment as Chairman, he was—

(a) an officer of the Public Service—to some position in the Public Service; or

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SCHEDULE 3—*continued.*PROVISIONS RELATING TO THE PRESERVATION OF RIGHTS OF CERTAIN  
PERSONS ON APPOINTMENT AS CHAIRMAN—*continued.*

(b) an officer or employee of a statutory body—to some position in the service of that body,

not lower in classification and salary than that which he held immediately before his appointment as Chairman.

Declaration  
of statutory  
bodies.

6. The Governor may, by proclamation published in the Gazette, declare any body constituted by or under any Act to be a statutory body for the purposes of this Schedule.

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