

MISCELLANEOUS ACTS (HEALTH ADMINISTRATION)
AMENDMENT ACT, 1982, No. 138

New South Wales



ANNO TRICESIMO PRIMO

ELIZABETHÆ II REGINÆ

Act No. 138, 1982.

An Act to amend certain other Acts consequent upon and in connection with the enactment of the Health Administration Act, 1982. [Assented to, 15th December, 1982.]

Miscellaneous Acts (Health Administration) Amendment.

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

Short title.

1. This Act may be cited as the "Miscellaneous Acts (Health Administration) Amendment Act, 1982".

Commencement.

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

(2) Except as provided by subsection (1), this Act shall commence on the day appointed and notified under section 2 (2) of the Health Administration Act, 1982.

Amendments.

3. (1) Each Act specified in Schedule 1 is amended in the manner specified in that Schedule in relation to that Act.

(2) A Private Act does not, by reason of its being amended by this Act, become a Public Act.

Miscellaneous Acts (Health Administration) Amendment.

SCHEDULE 1.

(Sec. 3 (1).)

AMENDMENTS.

Ambulance Services Act, 1976, No. 72—

(1) Section 3—

Omit the matter relating to Part II, insert instead “PART II.—OPERATION OF AMBULANCE SERVICES—ss. 5, 6.”.

(2) (a) Section 4, definition of “contribution scheme”—

Omit “Commission”, insert instead “Corporation”.

(b) Section 4, definition of “Corporation”—

After the definition of “contributor”, insert:—

“Corporation” means the Health Administration Corporation constituted by the Health Administration Act, 1982;

(3) Part II, heading—

Omit the heading, insert instead:—

PART II.

OPERATION OF AMBULANCE SERVICES.

(4) Section 5—

Omit the section, insert instead:—

Powers, etc., of the Corporation.

5. (1) The Corporation shall, on and after the day appointed and notified under section 2 (2) of the Health Administration Act, 1982, continue to provide, conduct, operate and maintain such ambulance services as were provided, conducted, operated and maintained by the Commission immediately before the day so appointed and notified subject to such alterations as it from time to time deems necessary in the public interest.

(2) The Corporation may co-operate with or provide assistance to any person or organisation for the purpose of providing, conducting, operating and maintaining ambulance services.

Miscellaneous Acts (Health Administration) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS—*continued.*

(3) The Corporation is hereby authorised, in connection with ambulance services referred to in subsection (1), to protect persons from injury or death, whether or not those persons are sick or injured.

(5) Section 6—

Omit “Commission” wherever occurring, insert instead “Corporation”.

(6) (a) Section 7 (1)—

Omit “Commission may from time to time by resolution”, insert instead “Corporation may determine from time to time to”.

(b) Section 7 (2)—

Omit “resolution of the Commission”, insert instead “determination of the Corporation”.

(c) Section 7 (2) (h), (3)—

Omit “resolution” wherever occurring, insert instead “determination”.

(7) Sections 8, 10 (2), 11, 12 (1) (a), 13, 14—

Omit “Commission” wherever occurring, insert instead “Corporation”.

(8) Section 12 (2)—

Omit the subsection, insert instead:—

(2) The Corporation may remit or postpone payment of all or any amounts due to the Corporation in respect of ambulance services provided by the Commission before the day appointed and notified under section 2 (2) of the Health Administration Act, 1982, and payment of all or any amounts due to the Corporation in respect of ambulance services provided by the Corporation.

Miscellaneous Acts (Health Administration) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

(9) (a) Section 14A (1)—

After "1979," insert "and before the day appointed and notified under section 2 (2) of the Health Administration Act, 1982,".

(b) Section 14A (2), (3)—

Omit section 14A (2), insert instead:—

(2) An officer or employee of the Department, an employee of the Corporation or an honorary ambulance officer is not liable for any injury or damage caused by him on or after the day appointed and notified under section 2 (2) of the Health Administration Act, 1982, in the carrying out by him, in good faith, of any of his duties relating to—

(a) the provision of ambulance services; or

(b) the protection of persons from injury or death, whether or not those persons are or were sick or injured.

(3) Nothing in this section affects section 25 of the Health Administration Act, 1982.

Anatomy Act, 1977, No. 126—

(1) (a) Section 4, definition of "Commission"—

Omit the definition.

(b) Section 4, definition of "school of anatomy"—

Omit "anatomy.", insert instead "anatomy;".

(c) Section 4, definition of "Secretary"—

After the definition of "school of anatomy", insert:—

"Secretary" means the Secretary of the Department of Health.

(2) Section 6 (1), (3), (5)—

Omit "Commission" wherever occurring, insert instead "Secretary".

Miscellaneous Acts (Health Administration) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS—*continued.***(3)** Section 7 (1)—

Omit “members, officers or servants of the Commission”, insert instead “officers of the Department of Health or employees of the Health Administration Corporation”.

(4) Section 17 (1)—

Omit “necessary”, insert instead “necessary”.

(5) Section 19 (3)—

Omit the subsection.

Broken Hill Abattoirs, Markets, and Cattle Sale-yards Act—**(1)** Section 13—

Omit “Health Commission of New South Wales”, insert instead “Minister for Health or the Secretary of the Department of Health”.

(2) Section 13—

Omit “Commission” where secondly occurring, insert instead “Secretary”.

Chiropractic Act, 1978, No. 132—**(1)** Section 5 (2) (a)—

Omit “a member or officer of the Health Commission of New South Wales”, insert instead “an officer of the Department of Health”.

(2) Section 6 (2)—

Omit “Health Commission of New South Wales”, insert instead “Department of Health”.

Miscellaneous Acts (Health Administration) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

Clean Air Act, 1961, No. 69—

Section 6 (2) (b) (ix)—

Omit the subparagraph, insert instead:—

- (ix) one shall be an officer of the Department of Health nominated by the Minister for Health.

Clean Waters Act, 1970, No. 78—

Section 6 (2) (b) (xi)—

Omit the subparagraph, insert instead:—

- (xi) one shall be an officer of the Department of Health nominated by the Minister for Health; and

Conveyancing Act, 1919, No. 6—

Section 85 (1) (c)—

Omit "Health Commission of New South Wales", insert instead "Secretary of the Department of Health".

Dairy Industry Marketing Authority Act, 1979, No. 208—

Section 83 (1), definition of "officer"—

Omit paragraph (b), insert instead:—

- (b) any person appointed by the Minister for Health to act as an inspector for the purposes of the Pure Food Act, 1908,

Dental Technicians Registration Act, 1975, No. 40—

(1) (a) Section 6 (1) (a)—

Omit "Health Commission of New South Wales", insert instead "Minister".

Miscellaneous Acts (Health Administration) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS—*continued.*

- (b) Section 6 (2)—
Omit “Health Commission of New South Wales”, insert instead “Department of Health”.
- (c) Section 6 (3)—
After “paragraphs”, insert “(a),”.
- (d) Section 6 (4)—
Omit “a term of three years”, insert instead “such term, not exceeding 3 years, as is specified in the instrument of his appointment”.
- (2) Section 10—
Omit the section, insert instead:—
Remuneration of members.
10. A member 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.
- Dentists Act, 1934, No. 10—**
- (1) Section 3 (1), definition of “Commission”—
Omit the definition.
- (2) (a) Section 4 (1)—
Omit “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”, insert instead “an officer of the Department of Health from time to time nominated by the Minister”.
- (b) Section 4 (5)—
Omit the subsection, insert instead:—
(5) A member of the Board 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.
- (3) Section 10 (1) (e)—
(a) Omit “by the Commission”, insert instead “in the Department of Health”.

Miscellaneous Acts (Health Administration) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

- (b) After “such” where firstly and thirdly occurring, insert “other”.
 - (c) Omit “Commission” where secondly occurring, insert instead “Department of Health”.
- (4) Section 10A (2)—
- (a) Omit “by the Commission”, insert instead “in the Department of Health”.
 - (b) After “such” where secondly and fourthly occurring, insert “other”.
 - (c) Omit “Commission” where secondly occurring, insert instead “Department of Health”.
- (5) Section 10D (4)—
- Omit “Commission”, insert instead “Secretary of the Department of Health”.
- (6) Section 12 (3) (b1)—
- (a) Omit “Commission” where firstly occurring, insert instead “Department of Health or employees of the Health Administration Corporation”.
 - (b) Omit “Commission” where secondly occurring, insert instead “Minister”.
- (7) (a) Section 12A (2) (b) (i)—
- Omit the subparagraph, insert instead:—
- (i) two persons who are officers of the Department of Health from time to time nominated by the Minister;
- (b) Section 12A (2) (c)—
- Omit the paragraph, insert instead:—
- (c) A member of the Committee 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.

Drug and Alcohol Authority Act, 1980, No. 82—

- (1) Section 6 (2) (a)—
- Omit “appointed under the Health Commission Act, 1972, as a commissioner”, insert instead “an officer of the Department of Health”.

Miscellaneous Acts (Health Administration) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS—*continued.*

(2) Section 10—

- (a) Omit “the Health Commission of New South Wales or”.
- (b) Omit “the Commission or”.
- (c) Omit “, as the case may require”.

Fluoridation of Public Water Supplies Act, 1957, No. 58—

(1) (a) Section 3, definition of “Commission”—

Omit the definition.

(b) Section 3, definition of “Secretary”—

After the definition of “Regulations”, insert:—

“Secretary” means the Secretary of the Department of Health.

(2) (a) Section 4 (2) (a)—

Omit the paragraph, insert instead:—

- (a) an officer of the Department of Health nominated by the Minister;
and

(b) Section 4 (9)—

Omit the subsection, insert instead:—

(9) A member, or a deputy member while acting in the place of a member, 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.

(3) Section 5—

Omit “Commission” wherever occurring, insert instead “Minister”.

(4) (a) Section 6 (2)—

- (i) Omit “Commission”, insert instead “Secretary”.
- (ii) Omit “Commission’s” wherever occurring, insert instead “Secretary’s”.

(b) Section 6 (4), (5)—

Omit “Commission” wherever occurring, insert instead “Secretary”.

Miscellaneous Acts (Health Administration) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

(5) Section 7—

- (a) Omit “secretary of the Commission”, insert instead “Secretary”.
- (b) Omit “Commission” where secondly occurring, insert instead “Secretary”.

(6) (a) Section 11 (1)—

Omit “on the recommendation of the Commission”.

(b) Section 11 (1) (d)—

Omit “Commission” wherever occurring, insert instead “Secretary”.

Food Preservation by Sulphur Dioxide Enabling Act, 1920, No. 48—

(1) (a) Section 3, definition of “Commission”—

Omit the definition.

(b) Section 3, definition of “Local authority”—

Omit “Commission”, insert instead “Minister”.

(c) Section 3, definition of “Officer”—

Omit “Commission”, insert instead “Department of Health”.

(d) Section 3, definition of “Secretary”—

After the definition of “Officer”, insert:—

“Secretary” means the Secretary of the Department of Health.

(2) Section 4, proviso—

Omit “Commission”, insert instead “Secretary”.

(3) Section 6—

- (a) Omit “its powers by the Commission or by”, insert instead “the powers of the Minister or the Secretary or of”.
- (b) Omit “other its powers”, insert instead “any other of his or its powers”.

Miscellaneous Acts (Health Administration) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS—*continued.***Government Guarantees Act, 1934, No. 57—**

(1) Section 3 (1)—

Omit "Health Commission of New South Wales", insert instead "Minister for Health".

(2) Section 3 (5r)—

Omit "Minister administering the Health Commission Act, 1972," insert instead "Minister for Health".

Inebriates Act, 1912, No. 24—

(1) Section 9 (2)—

Omit "Health Commission of New South Wales", insert instead "Minister for Health".

(2) Section 24—

Omit "a member of the Health Commission of New South Wales or an officer of that Commission authorised by that Commission", insert instead "the Secretary of the Department of Health or an officer of the Department of Health authorised by that Secretary".

(3) Section 29 (1)—

Omit "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", insert instead "an officer of the Department of Health from time to time nominated by the Minister for Health".

Judges' Pensions Act, 1953, No. 41—

(1) Section 5 (1)—

Omit "certified—", insert instead "certified by the appropriate authority".

(2) Section 5 (1) (a), (b)—

Omit the paragraphs.

Miscellaneous Acts (Health Administration) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS—*continued.*

(3) Section 5 (2) (b)—

Omit “Health Commission of New South Wales”, insert instead “appropriate authority”.

(4) Section 5 (4)—

After section 5 (3), insert:—

(4) In this section, “appropriate authority”, in relation to a retirement, means—

- (a) where it occurred before 30th April, 1973—the Director-General of Public Health;
- (b) where it occurred on or after 30th April, 1973, but before the day appointed and notified under section 2 (2) of the Health Administration Act, 1982—the Health Commission of New South Wales; or
- (c) where it occurred on or after the day so appointed and notified under that Act—the Secretary of the Department of Health.

Local Government Act, 1919, No. 41—

(1) (a) Section 4, definition of “Health Commission”—

Omit the definition.

(b) Section 4, definition of “Statutory body” or “statutory body representing the Crown”—

Omit “Health Commission of New South Wales,”.

(2) Section 94 (1)—

(a) Omit “Health Commission”, insert instead “Minister for Health”.

(b) Omit “said Commission”, insert instead “Minister for Health”.

(3) Section 132 (1) (d1)—

(a) Omit “or the Health Commission”, insert instead “, the Health Administration Corporation or the New South Wales Health Foundation”.

(b) Omit “Health Commission” where secondly occurring, insert instead “Minister for Health, Department of Health, Health Administration Corporation or the New South Wales Health Foundation”.

Miscellaneous Acts (Health Administration) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS—*continued.*

- (4) Sections 283 (4), 299A (2)—
Omit “Health Commission” wherever occurring, insert instead “Secretary of the Department of Health”.
- (5) Section 299—
Omit “Health Commission”, insert instead “Minister for Health”.
- (6) Section 591 (c)—
Omit “Health Commission appointed by that Commission”, insert instead “Department of Health appointed by the Secretary of that Department”.
- (7) Section 640 (1A), (2)—
Omit “Health Commission” wherever occurring, insert instead “Department of Health”.
- (8) Section 654 (5) (h), (ha)—
Omit section 654 (5) (h), insert instead:—
(h) the Health Administration Corporation;
(ha) the New South Wales Health Foundation;

Medical Practitioners Act, 1938, No. 37—

- (1) Section 3 (1), definition of “Commission”—
Omit the definition.
- (2) (a) Section 5 (3) (a)—
Omit the paragraph, insert instead:—
(a) an officer of the Department of Health, appointed for the time being as such a member by order of the Minister;
- (b) Section 5 (8)—
Omit the subsection, insert instead:—
(8) A member 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.

Miscellaneous Acts (Health Administration) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

- (3) Section 27A (1) (c) (ii), (d) (ii)—
Omit “, servant or commissioner of the Commission” wherever occurring, insert instead “or employee of the Department of Health or an employee of the Health Administration Corporation”.
- (4) Section 34 (2) (a)—
Omit “Commission”, insert instead “Minister”.
- (5) Section 43 (2), proviso—
Omit “Commission”, insert instead “Secretary of the Department of Health”.
- (6) Section 45 (1)—
Omit “Commission”, insert instead “Secretary of the Department of Health”.
- (7) Section 49 (3)—
(a) Omit “, employee or servant of the Commission”, insert instead “or employee of the Department of Health or an employee of the Health Administration Corporation”.
(b) Omit “Commission” where secondly occurring, insert instead “Health Administration Corporation”.

Mental Health Act, 1958, No. 45—

- (1) (a) Section 4, definition of “Commission”—
Omit the definition.
- (b) Section 4, definition of “Secretary”—
After the definition of “Schedule”, insert:—
“Secretary” means the Secretary of the Department of Health.
- (2) (a) Section 7 (1)—
Omit “Commission may appoint one or more members or officers of the Commission”, insert instead “Secretary may appoint one or more officers of the Department of Health”.
- (b) Section 7 (2A)—
Omit “Commission”, insert instead “Secretary”.

Miscellaneous Acts (Health Administration) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

- (c) Section 7 (2B), (5)—
 - (i) Omit “Commission” wherever occurring, insert instead “Secretary”.
 - (ii) Omit “it” wherever occurring, insert instead “he”.
- (3) (a) Section 11 (1)—
 - Omit “on the recommendation of the Commission”.
- (b) Section 11 (7)—
 - Omit “Commission”, insert instead “Secretary”.
- (4) Section 108 (5) (a), (b)—
 - Omit “Commission” wherever occurring, insert instead “Secretary”.
- (5) Section 110 (3)—
 - Omit “Commission”, insert instead “Minister, the Secretary”.

New South Wales Institute of Psychiatry Act, 1964, No. 44—

- (1) Section 2, definition of “Commission”—
 - Omit the definition.
- (2) (a) Section 5 (2) (b)—
 - Omit “, 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”, insert instead “nominated by the Minister, each of whom shall be an officer of the Department of Health”.
- (b) Section 5 (3) (b)—
 - Omit “a person appointed under the Health Commission Act, 1972, as a commissioner, is an officer of the Commission”, insert instead “an officer of the Department of Health of the State”.
- (3) Section 8—
 - Omit the section, insert instead:—
 - Remuneration of members.**
 - 8. (1) A member 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.
 - (2) The office of a member shall for the purposes of any Act be deemed not to be an office or place of profit under the Crown.

Miscellaneous Acts (Health Administration) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS—*continued.*

- (4) (a) Section 12 (2) (a)—
 (i) After “section 5 (2) (a)”, insert “or (b)”.
 (ii) Omit “Minister;”, insert instead “Minister; or”
 (b) Section 12 (2) (b)—
 Omit the paragraph.

New South Wales State Cancer Council Act, 1955, No. 25—

- (1) Section 4 (1) (f)—
 Omit “Health Commission of New South Wales”, insert instead “Secretary of the Department of Health”.
- (2) (a) Section 5 (1) (a)—
 Omit the paragraph, insert instead:—
 (a) one shall be a medical practitioner who is an officer of the Department of Health appointed on the nomination of the Minister;
- (b) Section 5 (2)—
 Omit “three years”, insert instead “such term, not exceeding 3 years, as is specified in the instrument of his appointment”.
- (c) Section 5 (3), (3A)—
 Omit section 5 (3), insert instead:—
 (3) A member 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.
 (3A) The office of a member shall for the purposes of any Act be deemed not to be an office or place of profit under the Crown.

Notification of Births Act, 1915, No. 4—

- (1) (a) Section 2, definition of “Commission”—
 Omit the definition.
- (b) Section 2, definition of “Secretary”—
 After the definition of “Proclaimed”, insert:—
 “Secretary” means the Secretary of the Department of Health.
- (2) (a) Section 3 (1)—
 Omit “Commission”, insert instead “Secretary”.

Miscellaneous Acts (Health Administration) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

(b) Section 3 (2)—

- (i) Omit “Commission” where firstly occurring, insert instead “Department of Health”.
- (ii) Omit “Commission” where secondly occurring, insert instead “Secretary”.

(c) Section 3 (3)—

Omit “Commission”, insert instead “Secretary”.

Noxious Trades Act, 1902, No. 82—

(1) (a) Section 3, definition of “Commission”—

Omit the definition.

(b) Section 3, definition of “Department”—

Before the definition of “District”, insert:—

“Department” means the Department of Health.

(c) Section 3, definition of “Secretary”—

After the definition of “Prescribed”, insert:—

“Secretary” means the Secretary of the Department.

(2) Section 4 (2) (a)—

(a) Omit “, on the recommendation of the Commission,”.

(b) Omit “on the recommendation and”.

(3) Section 5 (1)—

Omit “, on the recommendation of the Commission,”.

(4) Sections 5 (2), 7 (d), (f), (g)—

Omit “Commission” wherever occurring, insert instead “Secretary”.

(5) Section 7 (c)—

(a) Omit “the Commission or its officers”, insert instead “officers of the Department”.

(b) Omit “Commission” where secondly occurring, insert instead “Secretary”.

(6) Section 9—

(a) Omit “Commission” where firstly occurring, insert instead “Department”.

(b) Omit “Commission” where secondly occurring, insert instead “Secretary”.

Miscellaneous Acts (Health Administration) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS—*continued.*

- (7) Sections 10, 11—
Omit “Commission” wherever occurring, insert instead “Secretary”.
- (8) (a) Section 16 (1)—
Omit “, upon the recommendation of the Commission,”.
- (b) Section 16 (2A)—
Omit “, on the recommendation of the Commission,”.
- (9) Section 18—
Omit “Commission”, insert instead “Secretary”.
- (10) Headings—
Omit all headings appearing in italics.
- Nurses Education Board Act, 1973, No. 29—**
Section 6 (1) (a), (b)—
Omit “Health Commission of New South Wales” wherever occurring, insert instead “Secretary of the Department of Health”.
- Nurses Registration Act, 1953, No. 10—**
- (1) Section 3, definition of “Commission”—
Omit the definition.
- (2) (a) Section 5 (1) (a)—
Omit the paragraph, insert instead:—
(a) two shall be officers of the Department of Health nominated by the Minister, of whom one shall be appointed to be Chairman of the Board;
- (b) Section 5 (1) (b)—
Omit “a member of the Commission nominated by the Commission or who is an officer of the Commission so nominated”, insert instead “an officer of the Department of Health nominated by the Minister”.
- (c) Section 5 (2) (b)—
Omit the paragraph, insert instead:—
(b) The members of the Board shall hold office for such term, not exceeding 3 years, as is specified in the instrument of their respective appointments.

Miscellaneous Acts (Health Administration) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

- (d) Section 5 (4)—
 Omit the subsection, insert instead:—
 (4) A member of the Board 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.
- (3) Section 9 (2) (a)—
 Omit “or the Commission,” wherever occurring.
- (4) Section 25 (1)—
 Omit “Commission”, insert instead “Secretary of the Department of Health”.

Optical Dispensers Act, 1963, No. 35—

- (1) Section 6 (2) (a)—
 Omit the paragraph, insert instead:—
 (a) one shall be an officer of the Department of Health nominated by the Minister;
- (2) Section 9—
 Omit “a period of three years,”, insert instead “such term, not exceeding 3 years, as is specified in the instrument of their respective appointments”.
- (3) Section 11—
 Omit the section, insert instead:—
Remuneration of members.
 11. A member of the board 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.

Optometrists Act, 1930, No. 20—

- (1) Section 4, definition of “Commission”—
 Omit the definition.
- (2) (a) Section 5 (2) (f)—
 Omit the paragraph, insert instead:—
 (f) one shall be an officer of the Department of Health nominated by the Minister.
- (b) Section 5 (4)—
 Omit “three years and”, insert instead “such term, not exceeding 3 years, as is specified in the instrument of their respective appointments and shall”.

Miscellaneous Acts (Health Administration) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS—*continued.*

(c) Section 5 (6)—

Omit the subsection, insert instead:—

(6) A member of the board 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.

(3) Section 29A (5)—

Omit “Commission”, insert instead “Minister”.

Pathology Laboratories Accreditation Act, 1981, No. 51—

(1) Section 6 (1) (a)—

Omit the paragraph, insert instead:—

(a) one shall be an officer of the Department of Health nominated by the Minister;

(2) (a) Section 16 (1)—

Omit “Health Commission of New South Wales may, if it”, insert instead “Secretary of the Department of Health may, if he”.

(b) Section 16 (2)—

Omit “Health Commission of New South Wales”, insert instead “Secretary of the Department of Health”.

(3) Schedule 1, clause 9—

Omit “a commissioner or an officer of the Health Commission of New South Wales”, insert instead “an officer of the Department of Health”.

Pharmacy Act, 1964, No. 48—

(1) (a) Section 4 (2) (b)—

Omit the paragraph, insert instead:—

(b) one shall be an officer of the Department of Health from time to time nominated by the Minister;

(b) Section 4 (5)—

Omit the subsection, insert instead:—

(5) A member of the Board 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.

Miscellaneous Acts (Health Administration) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

Poisons Act, 1966, No. 31—

- (1) (a) Section 4 (1), definition of “Commission”—
Omit the definition.
- (b) Section 4 (1), definition of “Secretary”—
After the definition of “Restricted substance”, insert:—
“Secretary” means the Secretary of the Department of Health.
- (2) (a) Section 6 (2) (a)—
Omit the paragraph, insert instead:—
(a) an officer of the Department of Health from time to time nominated by the Minister;
- (b) Section 6 (11)—
Omit the subsection, insert instead:—
(11) A member 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.
- (3) Sections 10 (1), 16 (1) (c), (d), 19 (1) (b), (1A), (1B), 24 (2) (d), (e), (f), 28, 29 (1)–(4), 5 (c), 30 (4), 37 (1)—
Omit “Commission” wherever occurring, insert instead “Secretary”.
- (4) Sections 19 (1A), 24 (2) (d), 29 (4)—
Omit “it” wherever occurring, insert instead “he”.
- (5) Section 29 (5) (d)—
Omit the paragraph, insert instead:—
(d) shall be in writing and be signed by the Secretary or by an officer of the Department of Health authorised generally or specially by the Secretary to do so unless, in a case of emergency, it is given verbally.
- (6) Section 30 (5)—
Omit the subsection, insert instead:—
(5) A member of the Medical Committee 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.

Miscellaneous Acts (Health Administration) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS—*continued.*

(7) Section 37 (1)—

Omit “its” where firstly occurring, insert instead “his”.

(8) Section 39—

Omit “a member of the Commission or by an officer of the Commission authorised generally or specially by the Commission”, insert instead “the Secretary or by an officer of the Department of Health authorised generally or specially by the Secretary in that behalf”.

(9) Section 43 (1)—

Omit “Commission”, insert instead “Secretary”.

Private Hospitals Act, 1908, No. 14—

(1) (a) Section 2, definition of “Commission”—

Omit the definition.

(b) Section 2, definition of “Secretary”—

Before the definition of “Treatment”, insert:—

“Secretary” means the Secretary of the Department of Health.

(2) Sections 6 (1), (1A), 7 (1), 7A (1), (2), 8 (1), (2), (5), 8A, 9 (2), (4), 9A (2) (b), 9B (1), 10 (5), (6), 10A (4), 14A, 16, 16A, 16B, 18 (2) (x), 22—

Omit “Commission” wherever occurring, insert instead “Secretary”.

(3) Sections 6 (3), (4), 18 (1), (2)—

Omit “, on the recommendation of the Commission,” wherever occurring.

(4) Section 8 (2)—

Omit “itself”, insert instead “himself”.

(5) Section 9 (4)—

Omit “it”, insert instead “he”.

(6) Section 11 (1)—

(a) Omit “on the recommendation of the Commission”.

(b) Omit “secretary of the Commission”, insert instead “Secretary”.

Miscellaneous Acts (Health Administration) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

(7) Section 14—

Omit “a member of the Commission, or by any person duly authorised by the Commission”, insert instead “the Secretary or a person authorised by the Secretary”.

(8) (a) Section 16 (1)—

Omit “it”, insert instead “the Secretary”.

(b) Section 16 (3)—

Omit “it”, insert instead “he”.

(9) Section 16A (2)—

Omit “it” where firstly occurring, insert instead “he”.

(10) Section 21—

Omit “of the Commission” wherever occurring.

(11) Sections 25, 26—

Omit the sections.

Public Health Act, 1902, No. 30—

(1) Section 1—

(a) Omit “COMMISSION”, insert instead “DEPARTMENT”.

(b) Omit “*Commission*”, insert instead “*Department*”.

(c) Omit the matter relating to Part VI, insert instead:—

PART VI.—BUILDING AREAS, BUILDINGS AND OTHER PREMISES—
ss. 53–63AA.

DIVISION 1.—*Premises unfit for occupation*—ss. 53–63.

DIVISION 2.—*Premises endangered by radioactive contamination*
—s. 63AA.

(2) (a) Section 3, definition of “Commission”—

Omit the definition.

(b) Section 3, definition of “Department”—

After the definition of “Court”, insert:—

“Department” means the Department of Health.

Miscellaneous Acts (Health Administration) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS—*continued.*

- (c) Section 3, definition of “Health surveyor”—
Omit “Commission”, insert instead “Department”.
 - (d) Section 3, definition of “Local authority”—
Omit “Commission”, insert instead “Minister”.
 - (e) Section 3, definition of “Officer”—
Omit “Commission”, insert instead “Department”.
 - (f) Section 3, definition of “Secretary”—
After the definition of “Schedule”, insert:—
“Secretary” means the Secretary of the Department.
- (3) Part II, heading—
Omit “COMMISSION”, insert instead “DEPARTMENT”.
 - (4) Part II, Division 1, heading—
Omit “*Commission*”, insert instead “*Department*”.
 - (5) Section 10—
Omit “Commission”, insert instead “Secretary or any person authorised in that behalf by the Secretary”.
 - (6) Sections 11, 13, 14 (3), 20 (2), 24 (2), 26A, 29 (3), 30A (2), (3), 32A (1), 32B (3), 32C (3), 37 (2), (3), 43A (1) (ha), 48 (1), 50c, 50d, 54, 56, 60 (1), (2), 61–63, 71B (1), 71C (3) (d), (e), 72 (1), (1A), (2), (4), 73, 107 (1A)—
Omit “Commission” wherever occurring, insert instead “Secretary”.
 - (7) Section 12—
Omit the section.
 - (8) Section 13—
 - (a) Omit “it”, insert instead “he”.
 - (b) Omit “its”, insert instead “his or the Minister’s”.
 - (9) (a) Section 14 (1)—
 - (i) Omit “Commission, whenever it”, insert instead “Secretary or any officer of the Department or employee of the Health Administration Corporation authorised in that behalf by the Secretary, whenever the Secretary”.
 - (ii) Omit “by its members, officers, or servants”.

Miscellaneous Acts (Health Administration) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS—*continued.*

- (b) Section 14 (2)—
- (i) Omit “Commission” where firstly occurring, insert instead “Secretary”.
 - (ii) Omit “members of the Commission, or its officers or servants”, insert instead “Secretary, or a person authorised as referred to in subsection (1)”.
- (c) Section 14 (3)—
- (i) Omit “Secretary for Public Works” wherever occurring, insert instead “Minister for Public Works”.
 - (ii) Omit “its”, insert instead “the Secretary’s”.
- (10) Section 15—
- Omit the section.
- (11) Sections 16, 17 (1) (b), 26B, 26C, 26E, 50 (c), 52, 71D (1), 71E (1), (3), (4)—
- Omit “Commission” wherever occurring, insert instead “Minister”.
- (12) Section 18 (2)—
- Omit “A member of the Commission who is a medical practitioner”, insert instead “An officer of the Department who is a medical practitioner and who is authorised in that behalf by the Secretary”.
- (13) (a) Section 21 (1)—
- (i) Omit “Commission” where firstly occurring, insert instead “Department”.
 - (ii) Omit “Commission” where secondly occurring, insert instead “Secretary”.
- (b) Section 21 (2)—
- Omit “Commission”, insert instead “Department”.
- (14) Section 24 (1)—
- (a) Omit “Commission” where firstly, secondly, thirdly and fifthly occurring, insert instead “Secretary”.
 - (b) Omit “its Chairman, secretary or other officer of the Commission”, insert instead “the Secretary or an officer of the Department”.

Miscellaneous Acts (Health Administration) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

(15) Section 25—

- (a) Omit “Commission signed by the Chairman, secretary or other officer of the Commission”, insert instead “Minister signed by an officer of the Department”.
- (b) Omit “Commission” where thirdly occurring, insert instead “Minister”.
- (c) Omit “, on the recommendation of the Commission,”.

(16) Section 26—

- (a) Omit “Commission” where firstly occurring, insert instead “Minister”.
- (b) Omit “, on the recommendation of the Commission,”

(17) Section 26A—

Omit “it”, insert instead “the Secretary”.

(18) Sections 26B, 30A (2)—

Omit “its” wherever occurring, insert instead “his”.

(19) Section 26C—

Omit “it” where secondly occurring, insert instead “the Minister”.

(20) Section 26D—

- (a) Omit “Commission” where firstly occurring, insert instead “Minister”.
- (b) Omit “, on the recommendation of the Commission,”.

(21) Section 26E—

Omit “it shall”, insert instead “the Minister may”.

(22) Section 26F—

- (a) Omit “inspector of the Commission” wherever occurring, insert instead “officer of the Department authorised in that behalf by the Secretary”.
- (b) Omit “inspector” where secondly occurring, insert instead “officer”.

(23) Section 29 (1A) (a)—

- (a) Omit “secretary to the Commission” where firstly and secondly occurring, insert instead “Secretary”.

Miscellaneous Acts (Health Administration) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS—*continued.*

- (b) Omit “secretary to the Commission” where thirdly occurring, insert instead “Secretary or an officer of the Department authorised in that behalf by the Secretary”.
- (24) Section 29A—
Omit “on the recommendation of the Commission,”.
- (25) Section 30—
Omit “secretary to the Commission”, insert instead “Secretary”.
- (26) Sections 30A (1), 32c (1), 32D, 51A (1), 71c (1)—
Omit “, on the recommendation of the Commission,” wherever occurring.
- (27) Section 30A (2)—
Omit “it”, insert instead “the Secretary”.
- (28) Section 32B (5)—
(a) Omit “secretary to the Commission”, insert instead “Secretary”.
(b) Omit “any such secretary, officer,”, insert instead “the Secretary or any such officer”.
- (29) Section 41—
Omit “Commission” wherever occurring, insert instead “Minister for Health”.
- (30) Section 43A (1)—
Omit “, on the advice of the Commission,”.
- (31) Section 48 (2)—
(a) Omit “Chairman or secretary of the Commission or any officer of the Commission”, insert instead “Secretary or any officer of the Department”.
(b) Omit “Commission” where thirdly and fourthly occurring, insert instead “Secretary”.
- (32) Section 50A (1)—
(a) Omit “Commission” where firstly occurring, insert instead “Department”.

Miscellaneous Acts (Health Administration) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS—*continued.*

- (b) Omit "Commission" where secondly occurring, insert instead "Secretary".
- (33) (a) Section 50B, definition of "chief executive officer"—
Omit "paragraphs (a), (b) and (c) of the definition of 'hospital' in this subsection", insert instead "paragraph (a) or (c) of the definition of 'hospital' in this section".
- (b) Section 50B, definition of "hospital"—
(i) From paragraph (a), omit "Second or Third", insert instead "Second, Third or Fifth".
(ii) Omit paragraph (b).
- (34) Sections 50E (1), 102, 102A—
Omit "on the recommendation of the Commission" wherever occurring.
- (35) (a) Section 51 (2)—
(i) Omit "upon the recommendation of the Commission".
(ii) Omit "upon the recommendation of the said Commission".
- (b) Section 51 (3)—
Omit "upon the recommendation of the said Commission".
- (36) Part VI, headings—
Omit the headings, insert instead:—
PART VI.
BUILDING AREAS, BUILDINGS AND OTHER PREMISES.
DIVISION 1.—*Premises unfit for occupation.*
- (37) Section 58 (1)—
(a) Omit "Commission" where firstly occurring, insert instead "Department".
(b) Omit "Commission" where elsewhere occurring, insert instead "Secretary".
- (38) (a) Section 61 (1)—
After "resolution", insert "or make a determination".
- (b) Section 61 (2), (3)—
After "resolution" wherever occurring, insert "or determination".

Miscellaneous Acts (Health Administration) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS—*continued.*

(39) Division 2 of Part VI—

After section 63, insert:—

DIVISION 2.—*Premises endangered by radioactive contamination.*

Decontamination and acquisition of premises.

63AA. (1) The Secretary may cause to be undertaken, or facilitate the undertaking of, the decontamination, or the removal and disposal, of premises contaminated by radioactivity.

(2) For the purpose of subsection (1), premises contaminated by radioactivity may be acquired by the Health Administration Corporation constituted under the Health Administration Act, 1982.

(3) Nothing in subsection (2) prevents the acquisition, by the Crown or by any authority of the State, of any premises contaminated by radioactivity.

(40) (a) Section 71 (2)—

Omit “Commission”, insert instead “Governor”.

(b) Section 71 (3)—

Omit “secretary to the Commission”, insert instead “Secretary”.

(41) Section 71A (2)—

At the end of section 71A, insert:—

(2) The Governor may, by proclamation published in the Gazette, revoke or vary any declaration under this section.

(42) Section 71D (5)—

(a) Omit “Commission”, insert instead “Minister or the Secretary”.

(b) Omit “their”.

(43) Section 75—

Omit “Commission”, insert instead “Governor”.

(44) Section 94 (1)—

Omit “Commission”, insert instead “Minister or the Secretary”.

(45) (a) Section 95—

(i) Omit “the Commission or a local authority have”, insert instead “a local authority has”.

Miscellaneous Acts (Health Administration) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS—*continued.*

- (ii) Omit “they”, insert instead “it”.
 - (iii) Omit “the Commission or” where secondly occurring, insert instead “the”.
 - (iv) Omit “them”, insert instead “the local authority”.
- (b) Section 95 (2)—
At the end of section 95, insert:—
(2) Where the Minister or the Secretary has by virtue of this Act or any regulations or by-laws thereunder power to examine or enter any premises, he may examine or enter by any officer or person authorised by him, either generally or in any particular case.
- (46) (a) Section 96 (1)—
(i) Omit “Commission or” where firstly occurring, insert instead “Minister, the Secretary or”.
(ii) Omit “their officers or any persons”, insert instead “any officers or persons”.
(iii) Omit “Commission or” where secondly occurring, insert instead “Minister, Secretary or local”.
- (b) Section 96 (1) (a)—
Omit “Commission”, insert instead “Minister, Secretary”.
- (c) Section 96 (1) (b) (i)—
Omit “Commission”, insert instead “Department”.
- (d) Section 96 (2)—
(i) Omit “Commission”, insert instead “Minister, the Secretary”.
(ii) Omit “their” where firstly occurring, insert instead “any”.
- (47) Section 99—
Omit “Commission” wherever occurring, insert instead “Minister or Secretary”.
- (48) Section 102A—
Omit “Commission” where secondly occurring, insert instead “Secretary”.
- (49) Section 103 (b)—
Omit “the Commission, or by a local authority,”, insert instead “a local authority”.

Miscellaneous Acts (Health Administration) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS—*continued.*

(50) Section 105—

Omit “, and, in the case of regulations or by-laws authorised to be made on the recommendation of the Commission, that such recommendation has been duly made”.

(51) (a) Section 108 (1) (a)—

Omit the paragraph.

(b) Section 108 (1) (d)—

Omit “Commission or”.

(c) Section 108 (1)—

(i) Omit “Chairman, secretary or other officer of the Commission authorised generally or specially by the Commission”, insert instead “Secretary or other officer of the Department authorised generally or specially by the Secretary”.

(ii) Omit “Commission” where lastly occurring, insert instead “Minister”.

(52) Section 110—

(a) Omit “Commission” where firstly occurring, insert instead “Minister or Secretary”.

(b) Omit “or by any member or officer of or person authorised by the Commission or”, insert instead “, by any officer or person authorised by the Minister or Secretary or by any member or officer of or person authorised”.

(c) Omit “Commission,”.

Public Health (Amendment) Act, 1944, No. 16—

(1) Section 6 (1) (b)—

Omit “Board”, insert instead “Secretary”.

(2) Section 7 (1)—

(a) Omit “Board” where firstly occurring, insert instead “Secretary”.

(b) Omit “, on the recommendation of the Board,” wherever occurring.

Miscellaneous Acts (Health Administration) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS—*continued.***Public Health (Night-soil Removal) Act, 1902, No. 110—**

Section 2—

- (a) Omit “Health Commission of New South Wales”, insert instead “Governor”.
- (b) Omit “Commission” where secondly occurring, insert instead “Governor”.
- (c) Omit “Commission” where thirdly occurring, insert instead “Secretary of the Department of Health”.

Public Hospitals Act, 1929, No. 8—

(1) Section 1 (2)—

- (a) Omit “HEALTH COMMISSION” where firstly occurring, insert instead “THE MINISTER”.
- (b) Omit “HEALTH COMMISSION” where secondly occurring, insert instead “MINISTER”.

(2) (a) Section 3, definition of “Corporation”—

After the definition of “Commission”, insert:—

“Corporation” means the Health Administration Corporation constituted by the Health Administration Act, 1982.

(b) Section 3, definition of “Foundation”—

After the definition of “Director”, insert:—

“Foundation” means the New South Wales Health Foundation constituted by the Health Administration Act, 1982.

(c) Section 3, definition of “Secretary”—

After the definition of “Relief”, insert:—

“Secretary” means the Secretary of the Department of Health.

(3) Sections 4 (2), (5), 13 (1), 23 (2), 23A, 23B, 26 (1), 29B (2), 29G (4), (6), 29J, 40C (1), 42 (1)—

Omit “, on the recommendation of the Commission,” wherever occurring.

(4) Part II, heading—

Omit “HEALTH COMMISSION”, insert instead “THE MINISTER”.

Miscellaneous Acts (Health Administration) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS—*continued.*

- (5) (a) Section 11 (1)—
Omit “Commission” where firstly occurring, insert instead “Secretary”.
- (b) Section 11 (1) (b), (c)—
Omit “initiate, promote and” wherever occurring.
- (c) Section 11 (1) (d), (e)—
Omit “determine” wherever occurring, insert instead “recommend to the Minister”.
- (d) Section 11 (1) (f)—
Omit the paragraph.
- (e) Section 11 (1) (g)—
Omit the paragraph, including the proviso appearing immediately before paragraph (h).
- (f) Section 11 (1) (h)—
Omit the paragraph.
- (g) Section 11 (1A)—
After section 11 (1), insert:—
(1A) Notwithstanding subsection (1) (b1) and (b2), the Secretary shall not in any year make or cause to be made an inquiry into the administration or management of or cause to be inspected any separate institution which does not apply for or receive in that year a subsidy from the Hospital Fund.
- (h) Section 11 (2), (4), (6) (b) (i)—
Omit “Commission” wherever occurring, insert instead “Secretary”.
- (i) Section 11 (3)—
Omit the subsection.
- (j) Section 11 (6) (b) (i)—
Omit “its”, insert instead “the Secretary’s”.
- (6) Sections 11A, 11B (2)–(6), 12, 24A (2) (c), 42 (1) (c)—
Omit “Commission” wherever occurring, insert instead “Secretary”.
- (7) (a) Section 11B (1)—
(i) Omit “Commission” where firstly and thirdly occurring, insert instead “Secretary”.

Miscellaneous Acts (Health Administration) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS—*continued.*

- (ii) Omit "it may, by writing under its seal, delegate to any member of the Commission or to an", insert instead "he may, by instrument in writing, delegate to any officer of the Department of Health or to any other".
- (b) Section 11B (6)—
Omit "Commission's", insert instead "Secretary's".
- (8) Sections 13 (3), 15 (1) (c), 17 (2A), (3), (5), (6), 17A, 20, 22 (1A), (2B), 28 (1), 29A (1), 29H, 29J (a), (b1), (c), 29O (1), 29Q (1), 33 (2), 33I, 33J (1), (2), 33K, 33O (2), 35, 39 (1), 40 (6)–(9), 40BB (2), (3)—
Omit "Commission" wherever occurring, insert instead "Minister".
- (9) (a) Section 17 (2) (a)—
(i) Omit "Commission", insert instead "Minister or the Secretary".
(ii) Omit "its", insert instead "their".
- (b) Section 17 (4)—
(i) Omit "Commission" where firstly occurring, insert instead "Secretary".
(ii) Omit "together with a report of the operations of the Commission".
- (c) Section 17 (6)—
Omit "it", insert instead "he".
- (d) Section 17 (7), (8)—
After section 17 (6), insert:—
(7) The Minister may, after considering any recommendation made under section 11 for the purpose—
(a) determine what hospitals and associated organisations should be subsidised; and
(b) determine what amounts of money should be paid from the Hospital Fund in any financial year to any hospital or associated organisation,
and any such amount shall be payable from the Hospital Fund in accordance with any such determination.
(8) The Minister may attach to the payment of any subsidy conditions in respect of the erection, maintenance, equipment and management of, or capital expenditure on, new or existing buildings, including the repair of existing buildings.
- (10) Sections 19 (1) (b), 40BA—
Omit "Commission" wherever occurring, insert instead "Corporation".

Miscellaneous Acts (Health Administration) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS—*continued.*

- (11) Section 24 (2) (c)—
Omit the paragraph, insert instead:—
(c) an officer of the Department of Health or an employee of the Health Administration Corporation;
- (12) Section 24A (2) (c)—
Omit “declares by resolution”, insert instead “determines”.
- (13) (a) Section 26 (1) (b)—
Omit “the Commission, or by”.
(b) Section 26 (2)—
Omit “in the Commission or”.
- (14) Section 29B (1)—
Omit “, on the recommendation of the Commission”.
- (15) Part VB, heading—
Omit “Health Commission”, insert instead “Minister”.
- (16) Section 29L—
Omit “the Commission” wherever occurring, insert instead “the Minister”.
- (17) Section 33E—
Omit “Commission” wherever occurring, insert instead “Secretary”.
- (18) Section 33F—
Omit “for private and intermediate patients as the Commission may determine”, insert instead “as the Secretary may determine for patients who may elect to be treated by a medical practitioner while the practitioner is exercising a right of private practice”.
- (19) Section 33J (3)—
Omit the subsection, insert instead:—
(3) On receipt of a notice under subsection (1), the Minister shall appoint a Committee of Review to determine the appeal.

Miscellaneous Acts (Health Administration) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS—*continued.*

- (20) Section 33K (3)—
Omit “it” where secondly occurring, insert instead “the Minister”.
- (21) Section 33L—
(a) Omit “Commission or Chairman, as the case may be,” insert instead “Chairman”.
(b) Omit “Commission” where secondly occurring, insert instead “Minister”.
- (22) (a) Section 33M (1)—
Omit “the Commission or” where firstly occurring.
(b) Section 33M—
Omit “Commission or Committee, as the case may be” wherever occurring, insert instead “Committee”.
- (23) Section 33N (1)—
(a) Omit “The Commission or a”, insert instead “A”.
(b) Omit “the Commission or a Committee, as the case may be,” insert instead “a Committee”.
- (24) Section 33o (1)—
(a) Omit “The Commission or a”, insert instead “A”.
(b) Omit “Commission or Committee, as the case may be,” insert instead “Committee”.
- (25) Section 33P—
Omit “the Commission or”.
- (26) Section 34—
Omit “Commission or any member thereof”, insert instead “Minister, the Secretary”.
- (27) Section 35—
Omit “able to pay for, and who may contract with the hospital for private or intermediate accommodation”, insert instead “who may elect to be treated by a medical practitioner while the practitioner is exercising a right of private practice”.

Miscellaneous Acts (Health Administration) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

(28) Section 36 (1)—

Omit “has been classified as a private or intermediate patient in accordance with the regulations”, insert instead “elects to be treated by the practitioner while the practitioner is exercising a right of private practice”.

(29) Section 37 (7)—

Omit “under the common seal of the Commission”, insert instead “signed by the Secretary”.

(30) Section 40B (1)—

(a) Omit “on the recommendation of the Commission”.

(b) Omit “Commission” where secondly occurring, insert instead “Secretary”.

(31) Section 40BA (1)—

Omit the subsection, insert instead:—

(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.

(32) Section 40BB (3)—

Omit “it”, insert instead “him”.

(33) Section 42 (1) (a), (k)—

Omit “Commission” wherever occurring, insert instead “Minister or the Secretary”.

Public Hospitals (Amendment) Act, 1976, No. 95—

(1) Schedule 3 (2) (a)—

Omit “Commission”, insert instead “Corporation”.

(2) Schedule 3 (7)—

Omit “, on the recommendation of the Commission,”.

(3) Schedule 3 (11) (c)—

Omit “Commission” wherever occurring, insert instead “Minister”.

Miscellaneous Acts (Health Administration) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS—*continued.***Pure Food Act, 1908, No. 31—**

- (1) (a) Section 4 (1), definition of "Commission"—
Omit the definition.
- (b) Section 4 (1), definition of "Corporation"—
After the definition of "consumers", insert:—
"Corporation" means the Health Administration Corporation constituted
by the Health Administration Act, 1982;
- (c) Section 4 (1), definition of "local authority"—
From paragraph (b), omit "Commission", insert instead "Minister".
- (d) Section 4 (1), definition of "Secretary"—
After the definition of "retail trade", insert:—
"Secretary" means the Secretary of the Department of Health;
- (e) Section 4 (2)—
Omit the subsection, insert instead:—
(2) In this Act, a reference to—
(a) an officer of the Department is a reference to an officer or
employee of the Department of Health; and
(b) an employee of the Corporation is a reference to a person
employed under section 14 of the Health Administration Act,
1982.
- (2) (a) Section 6 (2) (a)—
Omit "a member or an officer of the Commission", insert instead "an
officer of the Department".
- (b) Section 6 (2) (c)—
Omit "Commission", insert instead "Department".
- (c) Section 6 (3)—
Omit the subsection.
- (d) Section 6 (9)—
Omit "a member or an officer of the Commission", insert instead "an
officer of the Department".
- (e) Section 6 (10)—
Omit "member or officer of the Commission" wherever occurring, insert
instead "officer of the Department".

Miscellaneous Acts (Health Administration) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS—*continued.*

(f) Section 6 (11) (a), (b)—

Omit "Commission" wherever occurring, insert instead "Secretary".

(3) Section 8—

Omit "Each member of the committee, unless he is a member, officer or servant of the Commission or an officer of the Public Service," insert instead "A member of the committee".

(4) Sections 9 (1), 9A (4A) (a), 16, 17 (1), 17A, 18 (1), 19 (1), 20, 22, 22A, 27 (2), 28, 32, 37, 39 (3), 46A, 53 (1), (3), (4)—

Omit "Commission" wherever occurring, insert instead "Secretary".

(5) Section 9A (1)—

(a) Omit "Commission" where firstly occurring, insert instead "Secretary".

(b) Omit "member, officer or servant of the Commission", insert instead "officer of the Department or employee of the Corporation".

(c) Omit "it", insert instead "he".

(6) Sections 19 (1), 27 (2)—

Omit "it" wherever occurring, insert instead "he".

(7) Section 21 (3)—

Omit ", on recommendation of the Commission,".

(8) Section 27 (1)—

(a) Omit "Commission" where firstly occurring, insert instead "Secretary".

(b) Omit "or servant of the Commission", insert instead "of the Department or an employee of the Corporation".

(9) Section 32—

Omit "it" wherever occurring, insert instead "the Secretary".

(10) Section 39A (1)—

Omit "Commission", insert instead "Department".

Miscellaneous Acts (Health Administration) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS—*continued.*

(11) Section 51A (2)–(6), (8)—

Omit “a member of the Commission” wherever occurring, insert instead “the Secretary”.

(12) Section 53 (3)—

Omit “direct”, insert instead “directs”.

(13) Section 54 (1)—

Omit “The Commission may, on the recommendation of the advisory committee but subject to the approval of the Governor”, insert instead “The Governor may, on the recommendation of the advisory committee”.

Radioactive Substances Act, 1957, No. 5—

(1) (a) Section 4 (2) (a)—

Omit the paragraph, insert instead:—

(a) an officer of the Department of Health from time to time nominated by the Minister; and

(b) Section 4 (10)—

Omit the subsection, insert instead:—

(10) A member or deputy member 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.

(2) (a) Section 11 (1) (a)—

(i) Omit “Health Commission of New South Wales (in this section referred to as ‘the Commission’)”, insert instead “Secretary of the Department of Health (in this section referred to as ‘the Secretary’)”.

(ii) Omit “Commission” where lastly occurring, insert instead “Secretary”.

(b) Section 11 (1) (b), (c), (2)—

Omit “Commission” wherever occurring, insert instead “Secretary”.

Miscellaneous Acts (Health Administration) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS—*continued.***State Pollution Control Commission Act, 1970, No. 95—**

(1) Section 6 (2) (b) (ii)—

Omit the subparagraph, insert instead:—

- (ii) one shall be an officer of the Department of Health from time to time nominated by the Minister for Health; and

(2) Section 18 (2) (e)—

Omit the paragraph, insert instead:—

- (e) one shall be an officer of the Department of Health nominated by the Minister for Health;

Therapeutic Goods and Cosmetics Act, 1972, No. 14—

(1) (a) Section 4 (1), definition of "Commission"—

Omit the definition.

(b) Section 4 (1), definition of "Secretary"—

After the definition of "sale", insert:—

"Secretary" means the Secretary of the Department of Health;

(2) (a) Section 7 (2) (a)—

Omit the paragraph, insert instead:—

- (a) a medical practitioner, being an officer of the Department of Health for the time being nominated by the Minister; and

(b) Section 7 (6)—

Omit the subsection, insert instead:—

(6) A member of the Committee 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.

(3) Section 10 (2)—

Omit the subsection, insert instead:—

(2) It shall be the duty of the Committee to consider and advise the Minister upon such matters and questions as the Minister may from time to time refer to it relating to—

*Miscellaneous Acts (Health Administration) Amendment.*SCHEDULE 1—*continued.*AMENDMENTS—*continued.*

- (a) any proposal for making, altering or repealing any regulation; and
 - (b) the administration of this Act,
- and any such advice shall be given to the Minister within 1 month after the reference or within such further period as the Minister may from time to time allow.
- (4) Sections 19 (2), (3), 20 (1), 21 (1), (3), (5), 28 (1), (2), 31 (3) (a), 33 (5), 35, 37, 39 (3), 41 (1), 45 (b), (c), 52 (1), (2), (4)—
Omit "Commission" wherever occurring, insert instead "Secretary".
 - (5) Sections 21 (5), 28 (1), (2)—
Omit "it" wherever occurring, insert instead "he".
 - (6) Section 23 (2)—
Omit "of" where lastly occurring, insert instead "or".
 - (7) Sections 29 (1), (3), 39 (1)—
Omit "Commission" wherever occurring, insert instead "Minister".
 - (8) Section 53 (1)—
Omit "a member of the Commission or by an officer of the Commission authorised generally or specially by the Commission", insert instead "the Secretary or an officer of the Department of Health authorised generally or specially by the Secretary".
- Trustees Audit Act, 1912, No. 21—**
- (1) Section 4—
Omit "or, in relation only to hospitals in receipt of subsidy or assistance under the Public Hospitals Acts, 1929–1934, of the Health Commission of New South Wales".
 - (2) Section 5—
 - (a) Omit "or the Health Commission of New South Wales, as the case may be,".
 - (b) Omit "or Commission".

Miscellaneous Acts (Health Administration) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS—*continued.***Venereal Diseases Act, 1918, No. 46—**

- (1) Section 2, definition of "Commission"—

Omit the definition.

- (2) Section 9A (1)—

Omit "Health Commission of New South Wales", insert instead "Department of Health".

- (3) Sections 24, 27—

Omit "Commission" wherever occurring, insert instead "Minister".
