

**HEALTH ADMINISTRATION (MEDICAL SERVICES COMMITTEE)
AMENDMENT ACT, 1984, No. 109**

New South Wales



ANNO TRICESIMO TERTIO

ELIZABETHÆ II REGINÆ

Act No. 109, 1984.

An Act to amend the Health Administration Act, 1982, for the purpose of establishing a Medical Services Committee. [Assented to, 20th September, 1984.]

Health Administration (Medical Services Committee) Amendment 1984

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 "Health Administration (Medical Services Committee) Amendment Act, 1984".

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 such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

(3) For the purpose only of enabling the Medical Services Committee to be established in accordance with the Health Administration Act, 1982, as amended by this Act, on or after (but not before) the day appointed and notified under subsection (2), appointments may be made under that Act, as so amended, and any other act, matter or thing may be done, before that day as if the whole of this Act commenced on the date of assent to this Act.

Amendment of Act No. 135, 1982.

3. The Health Administration Act, 1982, is amended in the manner set forth in Schedule 1.

SCHEDULE 1.

(Sec. 3.)

AMENDMENTS TO THE HEALTH ADMINISTRATION ACT, 1982.

(1) Section 3—

Omit the section.

(2) Part II. Division 6A—

After Division 6, insert:—

DIVISION 6A.—*Medical Services Committee.***Interpretation.**

20A. In this Division—

“Committee” means the Medical Services Committee established under section 20B;

“legislation” means legislation of New South Wales, and includes regulations or by-laws made under any Act;

“patient” means a patient or prospective patient of a medical practitioner or of a hospital;

“subcommittee” means a subcommittee of the Committee.

Establishment of Medical Services Committee.

20B. (1) There is hereby established a committee, to be called the “Medical Services Committee”.

(2) The Committee shall consist of 9 medical practitioners, being—

(a) a Chairperson appointed as such by the Minister on the nomination of the Committee; and

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE HEALTH ADMINISTRATION ACT, 1982—*continued.*

(b) 8 other members appointed by the Minister, of whom—

- (i) 4 shall be appointed on the nomination of the Council of the New South Wales Branch of the Australian Medical Association, one of whom shall be a general practitioner and one of whom shall be a salaried medical officer;
- (ii) 2 shall be appointed on the nomination of the New South Wales State Committee of the Australian Association of Surgeons, one of whom shall be a salaried specialist;
- (iii) 1 shall be appointed on the nomination of the New South Wales State Committee of the Australian Society of Orthopaedic Surgeons; and
- (iv) 1 shall be appointed on the nomination of the New South Wales Section of the Australian Society of Anaesthetists or the appropriate executive body of that Section.

(3) The Committee may, after consultation with the Minister, appoint subcommittees of the Committee for the purpose of advising, consulting with and assisting the Committee, and persons may be appointed as members of such a subcommittee whether or not they are members of the Committee.

(4) The members of a subcommittee shall hold office for such term as the Committee may specify in respect of each of them in the instruments of their appointment and any such appointment may be terminated by the Committee at any time.

(5) The office of a member of the Committee or of a subcommittee shall, for the purposes of any Act, be deemed not to be an office or place of profit under the Crown.

(6) Schedule 4 has effect with respect to the Committee.

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE HEALTH ADMINISTRATION ACT, 1982—*continued.*

Functions of the Medical Services Committee, etc.

20c. (1) The functions of the Committee are to advise and consult with the Minister and officers of the Department as to—

- (a) matters affecting the practice of medicine in New South Wales (other than matters arising under industrial awards or industrial agreements and other than industrial matters within the meaning of the Industrial Arbitration Act, 1940); and
- (b) in particular—
 - (i) existing and proposed legislation, including proposed amendments to existing legislation, affecting or likely to affect patients or medical practitioners or both, in their respective capacities as such; and
 - (ii) existing and proposed administrative arrangements, including proposed changes to existing administrative arrangements, affecting or likely to affect patients or medical practitioners or both, in their respective capacities as such.

(2) The Committee shall have such other functions as the Minister may from time to time determine or as are conferred on it by or under this or any other Act.

(3) A notice may be served on the Committee in any of the following ways:—

- (a) by instrument in writing served on the Chairperson of the Committee;
- (b) in such manner as the Committee from time to time determines and communicates to the Minister;
- (c) in such manner as may be prescribed.

*Health Administration (Medical Services Committee) Amendment 1984*SCHEDULE 1—*continued.*AMENDMENTS TO THE HEALTH ADMINISTRATION ACT, 1982—*continued.*

(3) Schedule 4—

After Schedule 3, insert:—

SCHEDULE 4.

(Sec. 20B.)

MEDICAL SERVICES COMMITTEE.

PART 1.

PRELIMINARY.

Interpretation.

1. In this Schedule—

“Chairperson” means the Chairperson of the Committee;

“Committee” means the Medical Services Committee established under section 20B;

“member” means the Chairperson or any other member of the Committee.

PART 2.

PROVISIONS RELATING TO THE MEMBERS OF THE COMMITTEE.

Nominations.

2. (1) A person nominated by a nominating body mentioned in section 20B (2) may, but need not, be a member of the nominating body or (where the nominating body is the committee or other executive body of a larger body) a member of the larger body.

(2) Where a nomination of a person for appointment as a member is not made within the time (being not less than 21 days) or in the manner specified by the Minister by order in writing notified to the body entitled to make the nomination, the Minister may make the appointment in the absence of the nomination, and the person so appointed shall be deemed to have been duly nominated by that body.

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE HEALTH ADMINISTRATION ACT, 1982—*continued.*

Change of nominating body.

3. (1) If a nominating body mentioned in section 20B (2) wishes to relinquish its power to nominate under that subsection—

- (a) it may relinquish the power by causing an instrument in writing to that effect to be served on the Minister;
- (b) it may, but need not, specify in that instrument one of the remaining nominating bodies as the body to be the nominating body in its place;
- (c) if the relinquishing body does not specify a nominating body under paragraph (b), the Committee may specify a body (which may, but need not, be one of the remaining nominating bodies) as the body to be the nominating body in the place of the relinquishing body; and
- (d) the body specified under paragraph (b) or (c) shall be deemed to be mentioned in section 20B (2) in place of the relinquishing body and to have nominated any person already nominated by the relinquishing body.

(2) If at any time a nominating body mentioned in section 20B (2) does not exist by the name so mentioned—

- (a) the Committee may specify a body (which may, but need not, be one of the remaining nominating bodies) as the body to be the nominating body in the place of the firstmentioned body; and
- (b) the body specified under paragraph (a) shall be deemed to be mentioned in section 20B (2) in place of the firstmentioned body and to have nominated any person already nominated by the firstmentioned body.

(3) In this clause, "nominating body" does not include the Committee.

Terms of office.

4. (1) Subject to this Schedule, a member shall hold office for the period of 2 years specified in the instrument of appointment of the member, but is eligible (if otherwise qualified) for re-appointment.

(2) A person may not be appointed as a member for more than 3 consecutive terms.

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE HEALTH ADMINISTRATION ACT, 1982—*continued.*

Chairperson.

5. (1) If the person nominated by the Committee as Chairperson is already a member—

- (a) the person shall, on being appointed as Chairperson, be deemed to have vacated the office of member to which the person was previously appointed; and
- (b) the person's term as member so terminated and the person's term as Chairperson so commencing shall together, for the purposes only of clause 4 (2), be deemed to be one single term.

(2) The Chairperson is a member of the Committee.

(3) The Chairperson may be referred to as the Chairman or the Chairwoman, as the case may require.

Substitutes.

6. (1) A member may appoint any medical practitioner to be a substitute to act as a member in the place of the firstmentioned member during any absence of the member from a meeting of the Committee.

(2) Subject to this Schedule, a substitute acting as a member under sub-clause (1) shall have and may exercise all the functions of a member and shall be deemed to be a member.

(3) A member may not appoint another member to be a substitute, and a substitute may not appoint another person to be a substitute under this clause.

(4) A substitute appointed by the Chairperson does not have, by virtue of this clause, the function of presiding at a meeting of the Committee.

Filling of vacancy in office of member.

7. In the event of the office of any member becoming vacant, a person shall, subject to this Act, be appointed to fill the vacancy.

Casual vacancies.

8. (1) A member shall be deemed to have vacated office if—

- (a) the member dies;

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SCHEDULE 1—*continued.*

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- (b) the member resigns the office by instrument in writing addressed to the Minister;
- (c) the member ceases to be registered as a medical practitioner; or
- (d) the body which nominated the member withdraws the nomination under subclause (2).

(2) The body which nominated a member may, by instrument in writing addressed to the Minister, withdraw the nomination, whether before or after the appointment of the member.

Liability of members.

9. No matter or thing done by the Committee or a member shall, if the matter or thing was done in good faith for the purpose of exercising any function conferred on the Committee or member by or under this or any other Act, subject any member personally to any action, liability, claim or demand whatever.

PART 3.

PROVISIONS RELATING TO THE PROCEDURE OF THE COMMITTEE.

General procedure.

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

(2) At any meeting of the Committee, and at meetings between the Committee and the Minister or officers of the Department, the Committee may invite one or more advisers (who may, but need not, be medical practitioners) to be present, and any such adviser or advisers may be present at and participate in, but not vote at, any such meeting.

Quorum.

11. Five members shall form a quorum and any duly convened meeting of the Committee at which a quorum is present shall be competent to transact any business of the Committee and shall have and may exercise the functions of the Committee.

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE HEALTH ADMINISTRATION ACT, 1982—*continued.*

Presiding member.

12. (1) The Chairperson or, in the absence of the Chairperson, another member elected for the purpose at the meeting by the Committee shall preside at a meeting of the Committee.

(2) The person presiding at a meeting of the Committee has neither an original nor a casting vote.

Voting.

13. A decision supported by a majority of the members present at a meeting of the Committee at which a quorum is present shall be the decision of the Committee.

Transitional provisions as to meetings.

14. (1) The Minister shall, not later than 14 days after the commencement of this Schedule, call the first meeting of the Committee to be held after that commencement in such manner as the Minister thinks fit.

(2) The Minister may call a meeting of the Committee to be held before the commencement of this Schedule (for the purpose mentioned in section 2 (3)) in such manner as the Minister thinks fit.
