

**HEALTH ADMINISTRATION (AREA HEALTH SERVICES)
AMENDMENT ACT 1986 No. 52**

NEW SOUTH WALES



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**HEALTH ADMINISTRATION (AREA HEALTH SERVICES)
AMENDMENT ACT 1986 No. 52**

NEW SOUTH WALES



Act No. 52, 1986

An Act to amend the Health Administration Act 1923 as a consequence of and in connection with the enactment of the Area Health Services Act 1986; and for other purposes. [Assented to, 14 May 1986]

Health Administration (Area Health Services) Amendment 1986

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 (Area Health Services) Amendment Act 1986".

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 commencement of the Area Health Services Act 1986.

Amendment of Act No. 135, 1982

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

Amendments do not affect previous transfers of health employees

4. The amendments made by this Act to Schedule 3 to the Health Administration Act 1982 do not apply to or in respect of positions that were transferred under that Schedule before the commencement of this Act.

SCHEDULE 1

(Sec. 3)

AMENDMENTS TO THE HEALTH ADMINISTRATION ACT 1982

(1) Section 4 (**Interpretation**)—

Section 4 (1), definition of "area health service"—

Before the definition of "Commission", insert:

"area health service" means an area health service constituted under the Area Health Services Act 1986;

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SCHEDULE 1—*continued*

AMENDMENTS TO THE HEALTH ADMINISTRATION ACT 1982—
continued

(2) Section 7 (**Public Service staff**)—

(a) Section 7 (3) (a1)—

After section 7 (3) (a), insert:

(a1) any area health service;

(b) Section 7 (3)—

After “that public authority”, insert “, area health service”.

(3) Section 15 (**Superannuation of employees**)—

Omit the section.

(4) Schedule 3 (**Transfer of health employees**)—

(a) Clause 1 (1), definition of “designated person”—

(i) From paragraph (b), omit “or”.

(ii) Omit paragraph (c), insert instead:

(c) an area health service; or

(d) any person who is specified in a proclamation under subclause (6);

(b) Clause 2 (4)—

Omit “after the expiration of 5 years after the appointed day”, insert instead “after 17 December 1990”.

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SCHEDULE 1—*continued*

AMENDMENTS TO THE HEALTH ADMINISTRATION ACT 1982—
continued

(c) Clause 4—

Omit the clause, insert instead:

Salary and wages

4. (1) A transferred employee shall, in respect of service with the person by whom, by virtue of clause 3, the transferred employee is employed, be paid salary or wages, and allowances, at a rate not less than that at which the transferred employee would be paid salary or wages, and allowances, if the designated position in which the transferred employee was employed on the transfer date had not been transferred and the transferred employee had continued to be employed in the relevant Instrumentality.

(2) Subclause (1) ceases to apply to or in respect of a transferred employee on the expiration of the transition period if the rate of salary or wages payable to the transferred employee on the transfer date exceeds the maximum rate payable at that date under the relevant award for Grade 10, Administrative and Clerical Division, of the Public Service.

(3) Subclause (1) does not apply to or in respect of a transferred employee who has applied for, and been appointed to, another position in the service of the person by whom, by virtue of clause 3, the transferred employee is employed.

(d) Clause 6 (1)—

Omit “shall, during the transition period, be entitled”, insert instead “shall, in respect of service with the person by whom, by virtue of clause 3, the transferred employee is employed, be entitled”.

(e) Clause 6 (2)—

Omit the subclause.

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SCHEDULE 1—*continued*

AMENDMENTS TO THE HEALTH ADMINISTRATION ACT 1982—
continued

(f) Clause 9 (b)—

Omit “transition period”, insert instead “special transition period referred to in clause 7”.
