

**HEALTH PROFESSIONAL BOARDS LEGISLATION
(AMENDMENT) ACT 1990 No. 12**

NEW SOUTH WALES



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**HEALTH PROFESSIONAL BOARDS LEGISLATION
(AMENDMENT) ACT 1990 No. 12**

NEW SOUTH WALES



Act No. 12,1990

An Act to amend the Health Administration Act 1982 and certain other Acts relating to health professional boards with respect to the employment of staff and the keeping of accounts; and for other purposes. [Assented to 7 June 1990]

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Health Professional Boards Legislation (Amendment) Act 1990.

Commencement

2. This Act commences on a day or days to be appointed by proclamation.

Amendment of certain Acts relating to health professional boards

3. Each Act specified in Schedule 1 is amended as set out in that Schedule.

Amendment of Health Administration Act 1982 No. 135

4. The Health Administration Act 1982 is amended as set out in Schedule 2.

**SCHEDULE 1—AMENDMENT OF CERTAIN ACTS
RELATING TO HEALTH PROFESSIONAL BOARDS**

(Sec. 3)

Chiropodists Registration Act 1962 No. 17

(1) Section 2 (**Definitions**):

After the definition of "Chiropody" in section 2, insert:

"Corporation" means the Health Administration Corporation constituted by the Health Administration Act 1982.

(2) Section 19:

Omit the section, insert instead:

SCHEDULE 1—AMENDMENT OF CERTAIN ACTS RELATING
TO HEALTH PROFESSIONAL BOARDS—*continued*

Staff

19. A secretary to the Board and such other staff as may be necessary to enable the Board to exercise and perform its powers, authorities, duties and functions are to be employed under the Health Administration Act 1982 by the Corporation.

(3) Section 34:

Omit the section, insert instead:

Fees etc.

34. The secretary is required to transmit to the Corporation ~~€~~or payment into an account established under section 13A of the Health Administration Act 1982 all money received by the Board (whether for fees or otherwise), not being fines or penalties or money which is required to be dealt with in some other manner.

Chiropractic Act 1978 No. 132

(1) Section 4 (**Definitions**):

After the definition of “Chairman” in section 4 (1), insert:

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

(2) Section 12:

Omit the section, insert instead:

Staff

12. A secretary to the Board and such inspectors and other staff as may be necessary to enable the Board to exercise and perform its powers, authorities, duties and functions are to be employed under the Health Administration Act 1982 by the Corporation.

SCHEDULE 1—AMENDMENT OF CERTAIN ACTS RELATING
TO HEALTH PROFESSIONAL BOARDS— *continued*

(3) Section 13 (**Protection of members and others from liability**):

Omit "officer or employee" wherever occurring, insert instead "member of staff".

(4) Section 32:

Omit the section, insert instead:

Fees etc.

32. The secretary is required to transmit to the Corporation for payment into an account established under section 13A of the Health Administration Act 1982 all money received by the Board (whether for fees or otherwise), not being fines or penalties or money which is required to be dealt with in some other manner.

Dental Technicians Registration Act 1975 No. 40

(1) Section 5 (**Definitions**):

After the definition of "board" in section 5 (1), insert:

"Corporation" means the Health Administration Corporation constituted by the Health Administration Act 1982;

(2) Section 11:

Omit the section, insert instead:

Staff

11. A secretary to the board and such inspectors and other staff as may be necessary to enable the board to exercise and perform its powers, authorities, duties and functions are to be employed under the Health Administration Act 1982 by the Corporation.

(3) Section 12 (**Protection of board and staff**):

Omit "officer or employee" wherever occurring, insert instead "member of staff".

SCHEDULE 1—AMENDMENT OF CERTAIN ACTS RELATING
TO HEALTH PROFESSIONAL BOARDS— *continued*

(4) Section 34:

Omit the section, insert instead:

Fees etc.

34. The secretary is required to transmit to the Corporation for payment into an account established under section 13A of the Health Administration Act 1982 all money received by the board (whether for fees or otherwise), not being fines or penalties or money which is required to be dealt with in some other manner.

Nurses Registration Act 1953 No. 10

(1) Section 3 (**Definitions**):

After the definition of “Commencement of this Act”, insert:

"Corporation" means the Health Administration Corporation constituted by the Health Administration Act 1982.

(2) Section 12 (**Protection of Board and staff**):

Omit “officer” wherever occurring, insert instead “member of staff”.

(3) Section 13:

Omit the section, insert instead:

Registrar and other staff

13. A Registrar of the Board and such other staff as may be necessary to enable the Board to exercise its functions are to be employed under the Health Administration Act 1982 by the Corporation.

SCHEDULE 1—AMENDMENT OF CERTAIN ACTS RELATING
TO HEALTH PROFESSIONAL BOARDS— *continued*

(4) Sections 32, 33:

Omit the sections, insert instead:

Fees etc.

32. The Registrar is required to transmit to the Corporation for payment into an account established under section 13A of the Health Administration Act 1982 all money received by the Board (whether for fees or otherwise), not being fines or penalties or money which is required to be dealt with in some other manner.

Nurses Registration Board Education and Research Account

33. (1) The Board is to establish a Nurses Registration Board Education and Research Account.

(2) The Board is to pay into the Account, from practising fees payable under this Act by registered nurses, enrolled nurses and enrolled nurses (mothercraft), such amounts as are determined by the Minister from time to time.

(3) The Minister may not determine an amount under this section without first consulting with the Board.

(4) Money in the Account may be expended by the Board for or towards any one or more of the following:

- (a) education (including post graduate education) and research in nursing
- (b) any public purpose connected with the profession of nursing
- (c) meeting administrative expenditure incurred with respect to the Account and the purposes for which it is used,

or any related purpose.

(5) Any expenditure of money under this section must not be made unless it is authorised by a resolution supported by at least 7 members of the Board at a meeting

SCHEDULE 1—AMENDMENT OF CERTAIN ACTS RELATING
TO HEALTH PROFESSIONAL BOARDS— *continued*

specially convened for the purpose of considering the resolution.

Optical Dispensers Act 1963 No. 35

(1) Section 2 (**Definitions**):

After the definition of "Board" in section 2 (1), insert:

"Corporation" means the Health Administration Corporation constituted by the Health Administration Act 1982.

(2) Section 18:

Omit the section, insert instead:

Staff

18. A secretary to the board and such other staff as may be necessary to enable the board to exercise and perform its powers, authorities, duties and functions are to be employed under the Health Administration Act 1982 by the Corporation.

(3) Section 19 (**Protection of board and staff**):

Omit "officer" wherever occurring, insert instead "member of staff".

(4) Section 34:

Omit the section, insert instead:

Fees etc.

34. The secretary is required to transmit to the Corporation for payment into an account established under section 13A of the Health Administration Act 1982 all money received by the board (whether for fees or otherwise), not being fines or penalties or money which is required to be dealt with in some other manner.

SCHEDULE 1—AMENDMENT OF CERTAIN ACTS RELATING
TO HEALTH PROFESSIONAL BOARDS— *continued*

Optometrists Act 1930 No. 20

(1) Section 4 (**Definitions**):

After the definition of "Board" in section 4, insert:

"Corporation" means the Health Administration Corporation constituted by the Health Administration Act 1982.

(2) Section 12:

Omit the section, insert instead:

Staff

12. A registrar and such other staff as may be necessary to enable the board to exercise and perform its powers, authorities, duties and functions are to be employed under the Health Administration Act 1982 by the Corporation.

(3) Section 33:

Omit the section, insert instead:

Fees etc.

33. The registrar is required to transmit to the Corporation for payment into an account established under section 13A of the Health Administration Act 1982 all money received by the board (whether for fees or otherwise), not being fines or penalties or money which is required to be dealt with in some other manner.

(4) Section 34 (**Protection of board and staff**):

Omit "officer" wherever occurring, insert instead "member of staff".

SCHEDULE 1 -AMENDMENT OF CERTAIN ACTS RELATING
TO HEALTH PROFESSIONAL BOARDS - *continued*

Physiotherapists Registration Act 1945 No. 9

(1) Section 2 (**Definitions**):

After the definition of "Board", insert:

"Corporation" means the Health Administration
Corporation constituted by the Health Administration
Act 1982.

(2) Section 18 (**Appointment of secretary and inspectors, search warrants etc.**):

Omit section 18 (1), insert instead:

(1) A secretary to the Board and such inspectors and other staff as may be necessary to enable the Board to exercise and perform its powers, authorities, duties and functions are to be employed under the Health Administration Act 1982 by the Corporation.

(3) Section 32:

Omit the section, insert instead:

Fees etc.

32. The secretary is required to transmit to the Corporation for payment into an account established under section 13A of the Health Administration Act 1982 all money received by the Board (whether for fees or otherwise), not being fines or penalties or money which is required to be dealt with in some other manner.

Podiatrists Act 1989 No. 23

(1) Section 3 (**Definitions**):

After the definition of "conduct" in section 3 (1), insert:

"Corporation" means the Health Administration
Corporation constituted by the Health Administration
Act 1982;

SCHEDULE 1 - AMENDMENT OF CERTAIN ACTS RELATING
TO HEALTH PROFESSIONAL BOARDS - *continued*

(2) Section 20:

Omit the section, insert instead:

Staff

20. A secretary and such other staff as may be necessary to enable the Board to exercise its functions are to be employed under the Health Administration Act 1982 by the Corporation.

(3) Section 31:

Omit the section, insert instead:

Fees etc.

31. The secretary is required to transmit to the Corporation for payment into an account established under section 13A of the Health Administration Act 1982 all money received by the Board (whether for fees or otherwise), not being fines or penalties or money which is required to be dealt with in some other manner.

Psychologists Act 1989 No. 51

(1) Section 3 (**Definitions**):

After the definition of "conduct" in section 3 (1), insert:

"Corporation" means the Health Administration Corporation constituted by the Health Administration Act 1982;

(2) Section 20:

Omit the section, insert instead:

Staff

20. A secretary and such other staff as may be necessary to enable the Board to exercise its functions are to be employed under the Health Administration Act 1982 by the Corporation.

SCHEDULE 1 - AMENDMENT OF CERTAIN ACTS RELATING TO HEALTH PROFESSIONAL BOARDS - *continued*

(3) Section 31A:

After section 31, insert:

Fees etc.

31A. The secretary is required to transmit to the Corporation for payment into an account established under section 13A of the Health Administration Act 1982 all money received by the Board (whether for fees or otherwise), not being fines or penalties or money which is required to be dealt with in some other manner.

SCHEDULE 2 - AMENDMENT OF HEALTH ADMINISTRATION ACT 1982 No. 135

(Sec. 4)

(1) Section 13A

After section 13, insert:

Corporation to manage accounts of health professional boards

13A (1) The corporation is to establish in the Special Deposits Account in the Treasury a separate account in respect of each of the health professional boards referred to in Schedule 2A

(2) There is to be paid into each such account:

(a) the money transmitted to the Corporation in accordance with the Act establishing the board in respect of which the account is kept; and

(b) any other money which may lawfully be paid into the account.

(3) The Corporation may pay out of such an account amounts required to meet the costs incurred in the administration or execution of the Act establishing the board in respect of which the account is kept and the

**SCHEDULE 2 - AMENDMENT OF HEALTH
ADMINISTRATION ACT 1982 No. 135 - *continued***

regulations made under that Act, including costs incurred in the employment of staff.

(4) The Corporation may invest money in such an account:

- (a) in the manner authorised by the Public Authorities (Financial Arrangements) Act 1987; or
- (b) if that Act does not confer power on the Corporation to invest the money, in any other manner approved by the Treasurer.

(5) The interest or profits accruing from any such investment are to be paid into the relevant account.

(2) Section 14 (**Employees of Corporation**):

Omit section 14 (1), insert instead:

(1) The Corporation may employ such staff as may be necessary

- (a) to exercise its functions under this Act; and
- (b) to enable the health professional boards referred to in Schedule 2A to exercise their functions under the Act by which they are established; and
- (c) to exercise the Corporation's functions under any other Act.

(3) Schedule 2A:

After Schedule 2, insert:

SCHEDULE 2A - PROFESSIONAL HEALTH BOARDS
(Secs. 13A, 14)

- * Chiropodists Registration Board established under the Chiropodists Registration Act 1962
- * Chiropractors Registration Board established under the Chiropractic Act 1978
- * Dental Technicians Registration Board established under the Dental Technicians Registration Act 1975

SCHEDULE 2 - AMENDMENT OF HEALTH
ADMINISTRATION ACT 1982 No. 135 - *continued*

- * Nurses Registration Board established under the Nurses Registration Act 1953
 - * Optical Dispensers Licensing Board established under the Optical Dispensers Act 1963
 - * Board of Optometrical Registration established under the Optometrists Act 1930
 - * Physiotherapists Registration Board established under the Physiotherapists Registration Act 1945
 - * Podiatrists Registration Board established under the Podiatrists Act 1989
 - * Psychologists Registration Board established under the Psychologists Act 1989.
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*[Minister's second reading speech made in -
Legislative Assembly on 16 May 1990
Legislative Council on 24 May a.m. 1990]*