



New South Wales

# Garling Inquiry (Clinician and Community Council) Bill 2009

## Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

## Overview of Bill

The object of this Bill is to establish a Clinician and Community Council (*the Council*) that will be responsible for monitoring and evaluating, and reporting to the public through Parliament on, the implementation of the recommendations of the Special Commission of Inquiry into Acute Care Services in NSW Public Hospitals (*the Garling inquiry*).

## Outline of provisions

**Clause 1** sets out the name (also called the short title) of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act on the date of assent to the proposed Act.

**Clause 3** defines certain words and expressions used in the proposed Act.

**Clause 4** establishes the Council and makes provision in relation to the eligibility of persons for appointment as members of the Council. The Minister is to appoint the members however the Council is not subject to any Ministerial control or direction. **Schedule 1** makes further provision in relation to the members and procedure of the Council.

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Explanatory note

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**Clause 5** requires the Council to report biannually to Parliament, during the 2-year period following the commencement of the proposed Act, in relation to its activities (including a description of the extent to which the recommendations of the Garling inquiry have been implemented).

Introduced by Mrs J G Skinner, MP

First print



New South Wales

# Garling Inquiry (Clinician and Community Council) Bill 2009

## Contents

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	Page
1 Name of Act	2
2 Commencement	2
3 Definitions	2
4 Establishment of Council	2
5 Report to Parliament	3
Schedule 1 Provisions relating to members and procedure of Council	4





New South Wales

# Garling Inquiry (Clinician and Community Council) Bill 2009

No. , 2009

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## **A Bill for**

An Act to establish a Council that is responsible for monitoring and evaluating, and reporting to the public through Parliament on, the implementation of the recommendations of the Special Commission of Inquiry into Acute Care Services in NSW Public Hospitals.

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<b>The Legislature of New South Wales enacts:</b>	1
<b>1 Name of Act</b>	2
This Act is the <i>Garling Inquiry (Clinician and Community Council) Act 2009</i> .	3 4
<b>2 Commencement</b>	5
This Act commences on the date of assent to this Act.	6
<b>3 Definitions</b>	7
(1) In this Act:	8
<b>Council</b> means the Clinician and Community Council established by this Act.	9 10
<b>Garling inquiry</b> means the Special Commission of Inquiry into Acute Care Services in NSW Public Hospitals.	11 12
<b>nurse</b> has the same meaning that it has in the <i>Nurses and Midwives Act 1991</i> .	13 14
(2) A reference in this Act to the recommendations of the Garling inquiry is a reference to the recommendations set out in the <i>Final Report of the Special Commission of Inquiry into Acute Care Services in NSW Public Hospitals</i> , dated 27 November 2008.	15 16 17 18
<b>4 Establishment of Council</b>	19
(1) There is established a Clinician and Community Council consisting of such qualified persons as are appointed by the Minister.	20 21
(2) For the purposes of this section, a <b>qualified person</b> is any of the following:	22 23
(a) a medical practitioner who, in the opinion of the Minister, has expertise in any of the matters reviewed during the Garling inquiry,	24 25 26
(b) a nurse who, in the opinion of the Minister, has expertise in any of the matters reviewed during the Garling inquiry,	27 28
(c) a person belonging to any other class of health professional and who, in the opinion of the Minister, has expertise in any of the matters reviewed during the Garling inquiry,	29 30 31
(d) a member of the community who, in the opinion of the Minister, has relevant experience with the public health system (including, but not limited to, experience as a patient).	32 33 34
(3) The Council is to monitor and evaluate the implementation of the recommendations of the Garling inquiry.	35 36

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(4)	The Council is not subject to any Ministerial control or direction.	1
(5)	Schedule 1 contains provisions relating to members and procedure of the Council.	2 3
<b>5</b>	<b>Report to Parliament</b>	4
(1)	The Council is to prepare a report of its work and activities during each review period (including a description of the extent to which the recommendations of the Garling inquiry have been implemented) and furnish the report to the Presiding Officer of each House of Parliament within 4 weeks of the end of the review period concerned.	5 6 7 8 9
(2)	For the purposes of this section, the following are <i>review periods</i> :	10
(a)	the 6-month period immediately following the date of assent to this Act,	11 12
(b)	each of the 3 subsequent 6-month periods.	13

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<b>Schedule 1</b>	<b>Provisions relating to members and procedure of Council</b>	1
		2
	(Section 4 (5))	3
<b>1</b>	<b>Definition</b>	4
	In this Schedule:	5
	<i>member</i> means any member of the Council.	6
<b>2</b>	<b>General procedure</b>	7
	The procedure for the calling of meetings of the Council and for the conduct of business at those meetings is to be as determined by the Council.	8 9 10
<b>3</b>	<b>Quorum</b>	11
	The quorum for a meeting of the Council is a majority of its members for the time being.	12 13
<b>4</b>	<b>Voting</b>	14
	A decision supported by a majority of the votes cast at a meeting of the Council at which a quorum is present is the decision of the Council.	15 16
<b>5</b>	<b>Disclosure of pecuniary interests</b>	17
(1)	If:	18
(a)	a member has a direct or indirect pecuniary interest in a matter being considered or about to be considered at a meeting of the Council, and	19 20 21
(b)	the interest appears to raise a conflict with the proper performance of the member's duties in relation to the consideration of the matter,	22 23 24
	the member must, as soon as possible after the relevant facts have come to the member's knowledge, disclose the nature of the interest at a meeting of the Council.	25 26 27
(2)	A disclosure by a member at a meeting of the Council that the member:	28
(a)	is a member, or is in the employment, of a specified company or other body, or	29 30
(b)	is a partner, or is in the employment, of a specified person, or	31
(c)	has some other specified interest relating to a specified company or other body or to a specified person,	32 33
	is a sufficient disclosure of the nature of the interest in any matter relating to that company or other body or to that person which may arise	34 35



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after the date of the disclosure and which is required to be disclosed under subclause (1).	1 2
(3) Particulars of any disclosure made under this clause must be recorded by the Council in a book kept for the purpose and that book must be open at all reasonable hours to inspection by any person on payment of the fee determined by the Council.	3 4 5 6
(4) After a member has disclosed the nature of an interest in any matter, the member must not, unless the Minister or Council otherwise determines:	7 8
(a) be present during any deliberation of the Council with respect to the matter, or	9 10
(b) take part in any decision of the Council with respect to the matter.	11
(5) For the purposes of the making of a determination by the Council under subclause (4), a member who has a direct or indirect pecuniary interest in a matter to which the disclosure relates must not:	12 13 14
(a) be present during any deliberation of the Council for the purpose of making the determination, or	15 16
(b) take part in the making by the Council of the determination.	17
(6) A contravention of this clause does not invalidate any decision of the Council.	18 19
<b>6 Personal liability</b>	20
A matter or thing done or omitted to be done by the Council, a member of the Council or a person acting under the direction of the Council does not, if the matter or thing was done or omitted to be done in good faith for the purposes of executing this or any other Act, subject a member or a person so acting personally to any action, liability, claim or demand.	21 22 23 24 25
<b>7 Remuneration</b>	26
A member is entitled to receive such remuneration (including travelling and subsistence allowances) for attending meetings and transacting the business of the Council as the Minister may from time to time determine in respect of the member.	27 28 29 30