

[Act 1995 No 43]



New South Wales

New South Wales Cancer Council Bill 1995

Explanatory note

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

Overview of Bill

The objects of this Bill are to repeal the *New South Wales State Cancer Council Act 1955* and to replace it with an Act that:

- (a) changes the name of the New South Wales State Cancer Council to the New South Wales Cancer Council, and
 - (b) provides for the continuation of the Council but as a corporation run by a board of management, and
 - (c) expands the objects of the Council,
- and provides for other related matters.

* Amended in committee—see table at end of volume.

Outline of provisions

Part 1 Preliminary

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 a day or days to proclaimed.

Clause 3 defines certain expressions used in the proposed Act.

Part 2 The New South Wales Cancer Council, The Board, Committees and Staff

Clause 4 constitutes a body corporate with the name the New South Wales Cancer Council. The Council is a continuation of the New South Wales State Cancer Council established under the 1955 Act.

Clause 5 sets out the objects of the Council. Those objects are the same as the Council's objects under the 1955 Act except for the addition of the following objects:

- to collect, process, maintain and disseminate information with respect to cancer and its causes and incidence,
- to provide relief for cancer patients and their families, including palliative care, rehabilitation and support and advocacy services, and to engage in other benevolent activities with respect to cancer,
- to co-ordinate, as far as is practicable and with the agreement of the bodies involved, public appeals by other bodies for funds with respect to cancer.

Clause 6 provides for the Council to have a Board consisting of 9 part-time members appointed by the Governor on the recommendation of the Minister. The members of the Board are to be chosen from persons having specified qualifications, experience or expertise. The Board has the management of the Council.

Clause 7 allows the Council to establish committees to advise the Council on various matters.

Clause 8 enables the Council to employ staff.

Part 3 Property of the Council

Clause 9 provides for the New South Wales Cancer Council Account and sets out what money is to be paid into the account and for what purposes money in the account may be used.

Clause 10 provides that property acquired by the Council is to be held on trust to be applied towards the Council's objects but is subject to the terms of any trust or condition affecting the property.

Clause 11 enables the Council to accept gifts for the purposes of the Act and to carry out any conditions attached to the gifts.

Clause 12 provides for the Council to have the control and direction of a cancer institute if the cost of constructing it was met out of money provided by the government, a department or the Council and it is situated on property vested in a public hospital.

Part 4 Miscellaneous

Clause 13 contains provisions relating to the seal of the Council.

Clause 14 exempts members of the Board and committees of the Council and persons acting under the direction of the Board or such committees from personal liability for matters done in good faith in the execution of the proposed Act.

Clause 15 provides that proceedings for offences are to be dealt with summarily before a Local Court constituted by a Magistrate sitting alone.

Clause 16 enables the Council to make by-laws (to be approved by the Governor) for the purposes of the proposed Act.

Clause 17 repeals the *New South Wales State Cancer Council Act 1955*.

Clause 18 gives effect to Schedule 3 which contains savings and transitional provisions.

Clause 19 makes a consequential amendment to the *Public Finance and Audit Act 1983*. The auditing and reporting requirements of that Act and the *Annual Reports (Statutory Bodies) Act 1984* apply to the Council.

Clause 20 requires the Minister to conduct a review of the proposed Act 5 years after the date of assent and to report to Parliament on the outcome of the review. The review is to determine whether the policy objectives of the Act remain valid and whether the terms of the Act remain appropriate for securing those objectives.

Schedule 1 Provisions relating to members of the Board

Schedule 1 contains provisions relating to the members of the Board including terms of office, vacation of office and remuneration.

Schedule 2 Provisions relating to procedure of the Board

Schedule 2 contains the usual provisions relating to the procedure of the Board.

Schedule 3 Savings and transitional provisions

Schedule 3 contains savings and transitional provisions providing for the following matters:

- the vacation of office of the existing Council members
- a Cancer Investigation Committee established under the 1955 Act to complete any investigations being carried out by it and then for the members of the Committee to cease to hold office
- the continuation of staff appointed under the 1955 Act
- the continuation of the account established under the 1955 Act as the account to be maintained under section 9 of the proposed Act
- property currently held on trust by the Council to be held for the purpose of carrying out the objects of the proposed Act
- the making of savings and transitional regulations.