

# Cancer Institute (NSW) Amendment Act 2012 No 78

[2012-78]



New South Wales

## Status Information

### Currency of version

Repealed version for 1 April 2013 to 1 July 2013 (accessed 25 November 2024 at 21:22)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Notes—

- **Repeal**

The Act was repealed by sec 30C of the [Interpretation Act 1987 No 15](#) with effect from 2.7.2013.

### Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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New South Wales

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# Cancer Institute (NSW) Amendment Act 2012 No 78



New South Wales

An Act to amend the *Cancer Institute (NSW) Act 2003* to make further provision regarding the constitution and functions of the Cancer Institute (NSW); and for other purposes.

## 1 Name of Act

This Act is the *Cancer Institute (NSW) Amendment Act 2012*.

## 2 Commencement

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

## Schedule 1 Amendment of *Cancer Institute (NSW) Act 2003* No 14

### [1] Section 3 Definitions

Omit the definition of **Chief Cancer Officer** from section 3 (1).

Insert instead:

**Chief Cancer Officer** means the Chief Cancer Officer appointed under section 10.

### [2] (Repealed)

### [3] Section 10 Chief Cancer Officer

Omit section 10 (1) and (2). Insert instead:

- (1) There is to be a Chief Cancer Officer.
- (2) If the position of Chief Cancer Officer is an executive position within the meaning of Part 3 of Chapter 9 of the *Health Services Act 1997*, the appointment and employment of the Chief Cancer Officer is subject to that Part.
- (2A) If the position of Chief Cancer Officer is not an executive position within the meaning of Part 3 of Chapter 9 of the *Health Services Act 1997*:

- (a) the Chief Cancer Officer is to be appointed by the Minister, and
- (b) the Chief Cancer Officer is, while holding that office, to be employed under Part 1 of Chapter 9 of the *Health Services Act 1997* in the NSW Health Service.

**[4] Section 10 (5), (7) and (8)**

Omit the subsections.

**[5] (Repealed)**

**[6] Section 12 General functions of Cancer Institute**

Omit the note to section 12 (4). Insert instead:

**Note—**

Staff may be employed under Chapter 9 of the *Health Services Act 1997* in the NSW Health Service to enable the Cancer Institute to exercise its functions under this or any other Act.

**[7]-[10] (Repealed)**

**[11] Schedule 3**

Insert after Schedule 2:

## **Schedule 3 Savings, transitional and other provisions**

### **Part 1 General**

#### **1 Regulations**

- (1) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of this Act or any Act that amends this Act.
- (2) Any such provision may, if the regulations so provide, take effect from the date of assent to the Act concerned or a later date.
- (3) To the extent to which any such provision takes effect from a date that is earlier than the date of its publication on the NSW legislation website, the provision does not operate so as:
  - (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication, or
  - (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication.

## **Part 2 Provisions consequent on enactment of [Cancer Institute \(NSW\) Amendment Act 2012](#)**

### **2 Transfer of staff**

- (1) A person who, immediately before the commencement of this clause, was employed under Chapter 1A of the [Public Sector Employment and Management Act 2002](#) to enable the Cancer Institute to exercise its functions is, on that commencement, transferred to the employment of the NSW Health Service under Part 1 of Chapter 9 of the [Health Services Act 1997](#).
- (2) However, if a person referred to in subclause (1) was, immediately before the commencement of this clause, an executive officer under Part 3.1 of the [Public Sector Employment and Management Act 2002](#), that person is, on that commencement, taken to be a health executive under Part 3 of Chapter 9 of the [Health Services Act 1997](#).
- (3) The regulations may make provision for or with respect to the transfer of employment of such persons.

### **3 Saving of appointment of members of Board**

- (1) The substitution of section 8 (1) (a) by the [Cancer Institute \(NSW\) Amendment Act 2012](#) does not affect the appointment of any member of the Board holding office under that provision immediately before the substitution.
- (2) The amendment of clause 4 of Schedule 1 to the Act by the [Cancer Institute \(NSW\) Amendment Act 2012](#) does not affect the term of office of any person holding office as a member of the Board on the commencement of the amendment.

### **4 Chief Cancer Officer**

The person holding office as Chief Cancer Officer, immediately before the commencement of the amendment to section 10 by the [Cancer Institute \(NSW\) Amendment Act 2012](#), is taken, on that commencement, to be employed as a health executive (within the meaning of Part 3 of Chapter 9 of the [Health Services Act 1997](#)) for the balance of the person's term of appointment as Chief Cancer Officer.

## **Schedule 2 Amendment of other Acts**

### **2.1 Health Services Act 1997 No 154**

#### **[1] Section 116 Employment of staff generally**

Insert at the end of section 116 (1) (e):

, and

- (f) to enable the Cancer Institute (NSW) to exercise its functions under this or any other Act.

**[2] (Repealed)**

**2.2 Public Sector Employment and Management Act 2002 No 43**

**Schedule 1 Divisions of the Government Service**

Omit the matter relating to the Cancer Institute Division from Part 2 of the Schedule.