

1990

THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

HEALTH SERVICES (CONSEQUENTIAL PROVISIONS) BILL 1990

EXPLANATORY MEMORANDUM

(Circulated by authority of the Minister for
Health, Education and the Arts
Mr Gary Humphries)

HEALTH SERVICES (CONSEQUENTIAL PROVISIONS) BILL 1990

The Health Services (Consequential Provisions) Bill will repeal the Community & Health Services Act 1985. The Health Services (Consequential Provisions) Bill will also provide for transitional provisions which cover such matters as the continuance of legal proceedings, bank accounts, rights and liabilities, contracts, agreements, and instruments.

The Health Services (Consequential Provisions) Bill will also make provisions for the continuance of the General Manager in the new position of Chief Executive under the Health Services Bill and the transitional arrangements for staff of the former Service.

Details of the Bill follow.

Details of the Health Services (Consequential Provisions) Bill 1990 are as follows:-

PART 1 - PRELIMINARY

Section 1 cites the short title of the Bill.

Section 2 provides for Sections 1 and 2 to commence on a date notified in the Gazette. The remaining provisions commence on the day that sections other than 1 and 2 of the Health Services Bill 1990 come into force.

PART 11 - REPEAL AND CONSEQUENTIAL AMENDMENTS

Section 3 repeals the Community and Health Service Act 1985.

Section 4 amends certain Acts specified in Schedule 1 to reflect the changes brought about by the Health Services Bill 1990.

Section 5 amends certain Regulations specified in Schedule 2 to reflect the changes brought about by the Health Services Bill 1990.

PART 111 - DELEGATION

Section 6 provides that where a delegation under the Administration Act 1989 by the Head of Administration, to the person for the time being holding or performing the duties of the office of the Chairman of the Board of Management of Calvary Hospital or to another authorised person, called the authorised delegate, that instrument shall not be revoked or varied without the delegate's written agreement. Whilst such delegation is in force the powers shall not be exercised by the Head of Administration, or delegated to another person other than an authorised delegate.

PART 1V - TRANSITIONAL PROVISIONS

Section 7 details various definitions used in the Bill.

Section 8 provides for the continuance of any legal proceedings whether in a Court, Tribunal, Commission or other body which had commenced or could have been commenced against the ACT Community and Health Service to continue by the substitution of the Board of Health.

Section 9 provides for the bank accounts previously maintained by the ACT Community and Health Service to be continued by the Board of Health.

4.

Section 10 will transfer the rights, privileges, obligations, and liabilities of the ACT Community and Health Service to the Board of Health.

Section 11 will vest all Service property both real and personal in the Board of Health.

Section 12 will substitute the Board of Health for the ACT Community and Health Service in respect of any contract or agreement entered into by the Service.

Section 13 specifies that any instruments made, granted or issued under the former Community and Health Service Act are to be continued as if the instrument was granted or issued under the Health Services Bill. This Section does not apply to the Community and Health Service Regulations, which will cease to exist on the repeal of the Community and Health Service Act.

Section 14 specifies that any act or thing done on behalf of or by the ACT Community and Health Service is taken to have been done by or on behalf of the Board of Health.

Section 15 provides for the General Manager appointed under the Community and Health Service Act to continue as the Chief Executive appointed under the Health Services Bill, for the remainder of the appointment period.

5.

Section 16 provides for transitional staffing arrangements from the ACT Community and Health Service to the Board of Health. A person who was an officer or temporary employee of the Service shall after the commencement of the Health Services Bill, be appointed or employed as a member of the staff of the Board, on the same terms and conditions.

Section 17 provides for the application of the secrecy provisions under the Health Services Bill to all ACT Community and Health Service staff members, former executive officers and former Health Service consultants. The term "former executive officer" includes Commissioner or Chairman under the Health Commission Ordinance 1975, Health Services Ordinance 1975; Chairperson or General Manager under the Health Authority Ordinance 1985. The term "former staff member" includes a member of staff of the Capital Territory Health Commission, Australian Capital Territory Health Authority and the Australian Capital Territory Community and Health Service.

Schedule 1 lists Acts to be amended under Section 4.

Schedule 2 lists Regulations to be amended under Section 5.