

## Regulations 1975 No. 12

### Regulations under the *Health Commission Ordinance 1975*.\*

I, DOUGLAS NIXON EVERINGHAM, the Minister of State for Health, hereby make the following Regulations under the *Health Commission Ordinance 1975*.

Dated this twenty-seventh day of June, 1975.

D. EVERINGHAM  
Minister of State for Health.

### HEALTH COMMISSION REGULATIONS

1. These Regulations may be cited as the Health Commission Regulations. Citation.
  
2. In these Regulations, unless the contrary intention appears, "Ordinance" Definition. means the *Health Commission Ordinance 1975*.
  
3. Employees of the Commission who are financial members of an organization registered under the *Conciliation and Arbitration Act 1904-1973* are a class of employees prescribed for the purposes of paragraphs 10 (1) (d) and 10 (1) (e) of the Ordinance. Prescribed employees.
  
4. A direction given under sub-section 41 (3) or 41 (4) of the Ordinance shall be made known to an officer by delivering a copy of the direction to the officer personally or by sending a copy of the direction by post addressed to the officer at his usual place of employment. Directions under sub-section 41 (3) or 41 (4) to be delivered or posted to officers.
  
5. (1) For the purposes of section 43 of the Ordinance, the seniority of officers shall be determined according to the respective dates on which they were appointed as officers, or employed as full-time employees, of the Commission. Seniority.
  - (2) Where, immediately before his appointment or employment by the Commission, a person was an officer or full-time employee of—
    - (a) the Canberra Hospitals Management Board; or
    - (b) the Australian Public Service,
 sub-regulation (1) applies as if the person had been appointed or employed by the Commission—
    - (c) on the date on which he became an officer or full-time employee of the Board or the Service; or

\* Notified in the *Australian Government Gazette* on 1 July 1975.

- (d) where the person had, during a continuous period, been an officer or employee of both the Board and the Service—on the date on which he was first appointed or employed by the Board or the Service.

Notification of promotions.

6. The promotion of an officer to a vacant position shall be made known to officers by the display, in a prominent place at each hospital conducted by the Commission, of a notice of the promotion of the officer to the position.

Manner of appealing against promotion.

7. An appeal against a provisional promotion shall—

- (a) be in writing signed by the appellant; and
- (b) be lodged with the Commissioner within the period of 21 days after the date on which a notice of the promotion was first displayed in accordance with regulation 6.

Appeals under section 50.

8. (1) In this regulation, “ appeal ” means an appeal under section 50 of the Ordinance.

(2) An appeal shall be instituted by lodging with the Commissioner a notice in writing signed by the appellant and stating the grounds of the appeal.

(3) An appeal shall be instituted within 14 days after the date on which the appellant is notified of the action of the Commission to which the appeal relates.

(4) Where a notice is lodged with the Commissioner for the purpose of sub-regulation (2)—

- (a) the Commissioner shall forthwith cause the notice to be delivered to the Chairman of the Staff Appeals Board;
- (b) the Chairman shall, within 7 days after he receives the notice, fix a date, time and place for the hearing of the appeal; and
- (c) the Chairman shall, not later than 7 days before the date so fixed, notify the appellant of the date, time and place fixed for the hearing of the appeal.

(5) The hearing of an appeal shall be conducted without regard to legal forms and technicalities.

(6) In relation to an appeal, the Staff Appeals Board is not bound by rules of evidence and may inform itself in any manner it thinks fit.

(7) The Chairman of the Staff Appeals Board may, by writing under his hand, summon a person who is an officer or employee of the Commission to attend the hearing of an appeal at a specified time and place and then and there to give evidence and produce such books, documents or writings in his custody or control as he is required by the summons to produce.

(8) A summons under sub-regulation (7) may be served—

- (a) personally; or
- (b) by sending it by post to the person at his place of residence last-known to the Chairman.

(9) The Staff Appeals Board may retain books, documents or writings produced at the hearing of an appeal for such reasonable period as it thinks fit and may make copies of such portions of them as are relevant to an appeal.

(10) The Staff Appeals Board may take evidence on oath or affirmation and, for that purpose, a member of the Board may administer an oath or take an affirmation.

(11) A person who attends for the purpose of giving evidence before the Staff Appeals Board is entitled to receive such fees and travelling expenses in accordance with the scale in the Second Schedule to the Public Works Committee Regulations as in force from time to time under the *Public Works Committee Act 1969-1974* as the Chairman of the Board determines.

(12) It is a defence to a prosecution for refusing or failing to produce a book, document or writing in accordance with a summons under sub-regulation (7) if the defendant proves that the book, document or writing was not relevant to the appeal in connexion with which the summons was issued.

(13) A statement or disclosure made before the Staff Appeals Board by a witness is not, except in proceedings for giving false testimony before the Board, admissible in evidence against him in criminal proceedings in a court.

9. (1) A part-time member of the Commission shall be paid in respect of each day on which he attends a meeting of the Commission— Fees and allowances.

(a) if the duration of the meeting on that day is not less than 3 hours—a fee of \$50; and

(b) if the duration of the meeting on that day is less than 3 hours—a fee of \$30.

(2) Subject to sub-regulation (3), a part-time member of the Commission shall be paid for each day on which he is engaged, with the approval of the Commission, on business of the Commission—

(a) if the period during which he is so engaged on that day is not less than 3 hours—a fee of \$50; and

(b) if the period during which he is so engaged on that day is less than 3 hours—a fee of \$30.

(3) Where a member of the Commission—

(a) attends a meeting of the Commission; and

(b) is, on the same day, engaged for a period, with the approval of the Commission, on other business of the Commission,

the fee payable to the member in respect of that day is the fee that would be payable to him if, on that day, in addition to attending the meeting referred to in paragraph (a), he had also attended a meeting of the Commission during the period referred to in paragraph (b).

(4) Where—

(a) a part-time member of the Commission is necessarily absent overnight from his place of residence in order to attend a meeting of the Commission; or

(b) a part-time member of the Commission is necessarily absent overnight from his place of residence in order to perform any business of the Commission on which he is engaged with the approval of the Commission,

travelling allowance in respect of the period of absence is payable to him at the rate of \$37 per day.

(5) Travelling allowance payable under sub-regulation (4) is in addition to, and does not include, the cost of conveyance.

(6) The Chairman of a Promotions Appeal Board shall be paid in respect of each day on which he attends an inquiry by the Board—

(a) if the duration of the inquiry on that day is not less than 3 hours—a fee of \$60; and

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(b) if the duration of the inquiry on that day is less than 3 hours—a fee of \$40.

(7) The Chairman of the Staff Appeals Board shall be paid, in respect of each day on which he attends a hearing by the Board—

(a) if the duration of the hearing on that day is not less than 3 hours—a fee of \$60; and

(b) if the duration of the hearing on that day is less than 3 hours—a fee of \$40.

(8) Sub-regulations (1) to (5) (inclusive) of this regulation apply to a member of a Committee appointed under section 93 of the Ordinance as if the person were a part-time member of the Commission.