

# AUSTRALIAN CAPITAL TERRITORY

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## Community and Health Service (Amendment) Ordinance 1988

No. 28 of 1988

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910*.

Dated 30 June 1988.

N. M. STEPHEN  
Governor-General

By His Excellency's Command,

GARY PUNCH  
Minister of State for the Arts  
and Territories

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An Ordinance to amend the *Health Authority Ordinance 1985*

### Short title

1. This Ordinance may be cited as the *Community and Health Service (Amendment) Ordinance 1988*.<sup>1</sup>

### Commencement

2. This Ordinance shall come into operation on 2 July 1988.

### Principal Ordinance

3. In this Ordinance, "Principal Ordinance" means the *Health Authority Ordinance 1985*.<sup>2</sup>

(Ord. 44/88)—Cat. No.

Authorised by the ACT Parliamentary Counsel—also accessible at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)

**Long title**

4. The title of the Principal Ordinance is amended by omitting “Health Authority” and substituting “Community and Health Service”.

**Short title**

5. Section 1 of the Principal Ordinance is amended by omitting “*Health Authority*” and substituting “*Community and Health Service*”.

**Interpretation**

6. Section 4 of the Principal Ordinance is amended—

- (a) by omitting from subsection (1) the definitions of “Authority” and “nurse”; and
- (b) by inserting in subsection (1) the following definition in its appropriate alphabetical position:

“Service” means the Australian Capital Territory Community and Health Service referred to in section 5.”.

**Heading to Part II**

7. The heading to Part II of the Principal Ordinance is omitted and the following heading substituted:

“PART II—AUSTRALIAN CAPITAL TERRITORY  
COMMUNITY AND HEALTH SERVICE”.

**Heading to Division 1 of Part II**

8. The heading to Division 1 of Part II of the Principal Ordinance is omitted and the following heading substituted:

“*Division 1—Constitution, functions and powers*”.

**The Service**

9. Section 5 of the Principal Ordinance is amended—

- (a) by omitting subsection (1) and substituting the following subsection:

“(1) The corporation sole known as the Australian Capital Territory Health Authority that was in existence under this Ordinance immediately before 2 July 1988 continues in existence by force of this subsection under the name of the Australian Capital Territory Community and Health Service.”;

- (b) by omitting from subsection (2) “The Authority:” and substituting “The Service—”;
- (c) by omitting from paragraph (2) (a) all the words after “sole”; and
- (d) by omitting from paragraph (3) (a) “Authority” and substituting ‘Service’.

### **Substitution**

**10.** Sections 6 and 7 of the Principal Ordinance are repealed and the following sections substituted:

### **Functions**

“6. (1) The functions of the Service are to provide, or arrange for the provision of, services in relation to health and welfare.

“(2) The services to which subsection (1) applies include but are not limited to the following services:

- (a) medical and hospital services;
- (b) diagnostic, therapeutic and rehabilitation services;
- (c) dental services;
- (d) nursing services;
- (e) public health services;
- (f) ambulance and other transport services, including those services outside the Territory for residents of the Territory;
- (g) services in relation to the welfare needs of the community, sections of the community or individuals;
- (h) services in relation to the adoption of children;
- (j) services to assist courts, the Director of Welfare, the Youth Advocate, the Parole Board and any other body or person lawfully concerned in the welfare of an individual;
- (k) services in relation to the supervision of persons pursuant to the *Supervision of Offenders (Community Service Orders) Ordinance 1985*;
- (l) services in relation to the lawful correction or lawful detention of persons;

- (m) research and advisory services;
- (n) forensic and veterinary laboratory services;
- (o) services in the Territory or elsewhere pursuant to an agreement between the Commonwealth and another person or body, or between the Service and a person or body outside the Territory;
- (p) any service that is incidental to a service referred to in this subsection.

“(3) The Service shall perform its functions in accordance with any directions given by the Minister.

“(4) The Service shall—

- (a) give the Minister such information relating to the operations of the Service as the Minister requests; and
- (b) if requested by the Minister, submit proposals to the Minister regarding the nature and extent of the future operations of the Service.

### **Powers**

“7. (1) The Service has power to do all things that are necessary or convenient to be done for or in connection with the performance of its functions and, in particular, without limiting the generality of the foregoing, has power—

- (a) to acquire, hold and dispose of real and personal property;
- (b) to enter into contracts and agreements;
- (c) to erect buildings;
- (d) to occupy and use land or buildings made available to the Service by the Commonwealth;
- (e) to accept gifts, devises and bequests made to the Service whether on trust or otherwise, and to act as trustee of moneys or other property vested in the Service upon trust;
- (f) to let on hire plant and equipment of the Service;
- (g) to provide financial and other assistance to persons or bodies on such conditions as it thinks fit;
- (h) to co-operate with the Commonwealth, a State, another Territory or any other body or person in respect of the provision of health and welfare services, whether in the Territory or elsewhere.

“(2) Without limiting the generality of subsection (1)—

- (a) the Service may provide the financial assistance referred to in paragraph (1) (g) by means of grants or loans of money, or otherwise; and
- (b) the non-financial assistance referred to in paragraph (1) (g) includes—
  - (i) making buildings, equipment and other facilities available for occupation and use; and
  - (ii) making staff of the Service available to assist persons or bodies.”.

### **Application for appointment**

**11.** Section 43 of the Principal Ordinance is amended by omitting from subsections (1) and (2) “Authority” and substituting “Service”.

### **Appointment**

**12.** Section 44 of the Principal Ordinance is amended—

- (a) by omitting from subsection (1) “Authority” and substituting “Service”; and
- (b) by omitting from subsection (3) “Authority” (wherever occurring) and substituting “Service”.

### **Refusal of appointment**

**13.** Section 45 of the Principal Ordinance is amended—

- (a) by omitting “Authority” and substituting “Service”; and
- (b) by omitting from paragraphs (f) and (h) “Authority” and substituting “Service”.

### **Withdrawal of clinical privileges**

**14.** Section 47 of the Principal Ordinance is amended—

- (a) by omitting from subsection (1) “the Authority may” and substituting “the Service may, by notice in writing given to the person”; and
- (b) by omitting subsection (2).

### **Substitution**

**15.** Sections 48 and 49 of the Principal Ordinance are repealed and the following sections substituted:

**Withdrawal of clinical privileges—notification**

“48. (1) A notice given to a person under subsection 44 (3) or section 47 shall—

- (a) include a statement to the effect that, subject to the *Administrative Appeals Tribunal Act 1975*, an application may be made to the Administrative Appeals Tribunal for a review of the decision to which the notice relates; and
- (b) except where subsection 28 (4) of that Act applies—include a statement to the effect that a person whose interests are affected by the decision may request a statement pursuant to section 28 of that Act.

“(2) The validity of a decision to which a notice relates shall not be taken to have been affected by a failure to comply with subsection (1).

“(3) Where the Service makes a decision referred to in section 49, the Service shall, not later than 28 days after the date of the decision, publish in the *Gazette* a notice containing particulars of the decision.

**Withdrawal of clinical privileges—review**

“49. An application may be made to the Administrative Appeals Tribunal for a review of the following decisions of the Service:

- (a) a decision under subsection 44 (1) refusing to appoint a person to be a visiting medical officer or visiting dental officer;
- (b) a decision under subsection 44 (1) granting a person the clinical privileges specified in the person’s instrument of appointment as a visiting medical officer or visiting dental officer;
- (c) a decision under section 47—
  - (i) varying a person’s clinical privileges; or
  - (ii) suspending or cancelling a person’s appointment as a visiting medical officer or visiting dental officer.”.

**Heading to Division 2 of Part VII**

**16.** The heading to Division 2 of Part VII of the Principal Ordinance is omitted and the following heading substituted:

**“Division 2—Staff of the Service”.**

### **Staff**

17. Section 51 of the Principal Ordinance is amended by omitting “Authority” and substituting “Service”.

### **Moneys**

18. Section 70 of the Principal Ordinance is amended by omitting “Authority” (wherever occurring) and substituting “Service”.

### **Expenditure**

19. Section 71 of the Principal Ordinance is amended by omitting from subsections (1) and (2) “Authority” (wherever occurring) and substituting “Service”.

### **Charges for certain services**

20. Section 75 of the Principal Ordinance is amended—

- (a) by omitting from paragraph (1) (a) all the words after “nursing home” and substituting “, hostel or other institution conducted by the Service;”; and
- (b) by omitting from paragraph (1) (b) all the words after “engaged” and substituting “by the Service to provide services of that kind; and”.

### **Traffic control**

21. Section 80 of the Principal Ordinance is amended by omitting from paragraphs (a) and (b) “Authority” and substituting “Service”.

### **Committees**

22. Section 82 of the Principal Ordinance is amended by omitting “5 members” and substituting “7 members”.

### **Alteration of name**

23. The following provisions of the Principal Ordinance are amended by omitting “Authority” (wherever occurring) and substituting “Service”:

Paragraph 4 (2) (a), subsections 8 (1), (2) and (3) and 9 (1), section 46, paragraph 50 (3) (b), subsection 52 (1), paragraphs 52 (2) (a), (b) and (c), subsections 52 (3) and (4), 53 (1), 54 (1), (3), and (4), paragraph 54 (4) (c), subsections 54 (5) and (6), 55 (1) and (2), 56 (1), 57 (1) and (2) and 58 (1) and (4), paragraph 58 (5) (a), subsections 58 (5) and (6) and 59 (1) and (2), subparagraph 60 (2) (a) (v), paragraph 60 (2) (a), subsections 61 (3), (4), (5), (6) and (7) and 62 (1), paragraph 62 (2) (b), subsection 62 (5), section 65,

paragraph 65 (b), subsection 66 (1), paragraphs 66 (1) (c), subsections 66 (3), (4) and (5), paragraphs 66 (5) (b) and (c), subsection 66 (6), paragraph 66 (7) (a), subparagraph 66 (7) (b) (i), subsection 66 (7), paragraph 66 (8) (c), subsection 66 (9), paragraph 66 (10) (g), subsections 67 (5) and 68 (1), paragraph 68 (2) (b), subsections 68 (5), 69 (1), (3), (4) and (6), paragraph 69 (7) (a), subsections 69 (8) and 72 (1) and (2), sections 73 and 74, subsections 75 (2), (3) and (4) and 77 (1), paragraphs 77 (2) (a) and (b), subsection 77 (2), section 79, subsection 81 (1), section 82 and paragraphs 82 (a) and (b).

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#### NOTES

1. Notified in the *Commonwealth of Australia Gazette* on 30 June 1988.
2. No. 69, 1985 as amended by No. 80, 1986; Nos. 23, 62 and 69, 1987.