

AUSTRALIAN CAPITAL TERRITORY  
HEALTH AUTHORITY ORDINANCE 1985  
EXPLANATORY STATEMENT

No. 69 of 1985

The Health Authority Ordinance 1985 repeals and replaces the Health Services Ordinance 1975. The main effect of the repeal and replacement will be to replace the existing Authority with a new Authority with a new structure. The new Ordinance also introduces new provisions on visiting medical and dental officers.

Certain Parts of the new Ordinance are substantially the same as the repealed Ordinance. These Parts are Part I, preliminary, Part II on establishment functions and powers of the Authority, Part VII on the staff of the Authority except for the deletion of the Staff Council, Part VIII on the financial arrangements of the Authority and Part IX dealing with miscellaneous matters.

Those Parts of the new Ordinance which have no equivalent in the repealed Ordinance or which differ substantially from their equivalents in that Ordinance are Part III on the constitution and meetings of the Authority, Part IV which provides for the General Manager of the Authority, Part V which establishes the Hospital Services Board and the Community Health Services Board and Part VI which provides for visiting medical and dental officers.

Part X is a transitional provision.

Part I of the Ordinance includes the short title of the Ordinance, a commencement section, the repeal of the previous legislation and an interpretation section.

Part II of the Ordinance establishes the Authority and sets out its functions and powers. The Authority is to provide and conduct health services and it is given the power to do all things necessary or convenient for this purpose. The Authority is also given the power to delegate its powers except the power of delegation.

Part III constitutes the Authority as a body corporate, establishes its membership as consisting of a Chairperson and six other persons and prescribes their term of office. Provision is made for resignation or termination of appointment and the holding of meetings by the Authority.

Part IV establishes the office of the General Manager who is the full time executive of the Authority. His or her term of office is 6 years and he or she may be re-appointed. Provision is made for resignation and termination of appointment.

Part V establishes the Hospital Services Board and the Community Health Services Board and prescribes their functions and powers. Each Board consists of 7 members with a term of 4 years, a maximum period of membership of 8 years and an age limit of 70 years. Provision is made for resignation and termination of appointment. Each Board is required to perform its functions, broadly described in its title, in accordance with directions given by the Authority.

Part VI provides for the appointment of visiting medical and dental officers, the grounds on which appointments shall be refused and the grounds on which an appointment may be suspended or cancelled or on which an appointee's clinical privileges may be varied. A visiting medical or dental officer has the right to appeal to the Administrative Appeals Tribunal against a decision in relation to his appointment or in relation to the variation of his clinical privileges.

Part VII provides for the staff of the Authority including such matters as recruitment, appointment, creation and abolition of positions, reclassification, selection for promotion, appeals against promotion, tenure of office, retirement and disciplinary action.

Part VIII sets out the sources of the Authority's money and how that money may be expended. Provision is made for charges for certain services and remission or refunds of fees where appropriate. The Minister's approval is required for capital transactions exceeding \$500,000 and the Minister is given the power to determine fees.

Part IX provides for miscellaneous matters including control of traffic on Authority premises, confidentiality of information and the application of the Officers Rights Declaration Act 1928. This Part also empowers the Minister to make regulations for the purposes of the Ordinance.

Part X includes the transitional provisions made necessary by the replacement of one Authority by another. These include the transfer of rights and liabilities in relation to legal proceedings and other matters, the transfer of bank accounts, the transfer of property and the continuation of employment of staff. This Part finally continues in force instruments including regulations that were in force immediately before the commencement of this Ordinance.