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NEW SOUTH WALES

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SPECIAL SUPPLEMENT



New South Wales

Proclamation

under the

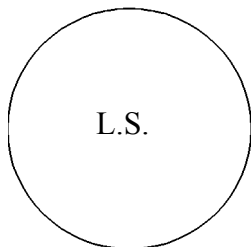
**National Competition Policy Health and Other Amendments
(Commonwealth Financial Penalties) Act 2004 No 52**

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 2 (2) of the *National Competition Policy Health and Other Amendments (Commonwealth Financial Penalties) Act 2004*, do, by this my Proclamation, appoint 28 July 2004 as the day on which Schedule 3 to that Act commences.

Signed and sealed at Sydney, this 28th day of July 2004.

By Her Excellency's Command,



L.S.

BOB CARR, M.P.,
Premier

GOD SAVE THE QUEEN!

Explanatory note

The object of this Proclamation is to commence Schedule 3 to the *National Competition Policy Health and Other Amendments (Commonwealth Financial Penalties) Act 2004*. That Schedule amends the *Optometrists Act 2002* to remove restrictions on the persons or bodies who may carry on the business of optometry and to prohibit employers of optometrists from directing or inciting them to engage in misconduct.



Health Services Amendment (Descriptions of Areas) Order 2004

under the

Health Services Act 1997

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 19 of the *Health Services Act 1997*, make the following Order.

Dated, this 27th day of July 2004.

By Her Excellency's Command,

MORRIS IEMMA, M.P.,
Minister for Health

Explanatory note

The object of this Order is to replace Schedule 1 to the *Health Services Act 1997* with a new Schedule containing the names of area health services and descriptions of the constituent cities or local government areas.

This Order is made under section 19 (1) (c) of the *Health Services Act 1997*.

Clause 1 Health Services Amendment (Descriptions of Areas) Order 2004

Health Services Amendment (Descriptions of Areas) Order 2004

under the

Health Services Act 1997

1 Name of Regulation

This Order is the *Health Services Amendment (Descriptions of Areas) Order 2004*.

2 Amendment of Health Services Act 1997

The *Health Services Act 1997* is amended as set out in Schedule 1.

Health Services Amendment (Descriptions of Areas) Order 2004

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 2)

Schedule 1

Omit the Schedule. Insert instead:

Schedule 1 Names and areas of area health services

(Sections 17 and 18)

Column 1	Column 2	Column 3
Name of service	Description of local government area or city	Description of area other than local government area
Central Coast Area Health Service	Gosford Wyong	
Central Sydney Area Health Service	Ashfield Burwood Canada Bay Canterbury Leichhardt Marrickville Strathfield Sydney (part)	
Far West Area Health Service	Balranald Bourke Brewarrina Broken Hill Central Darling Walgett Wentworth	Unincorporated area

Health Services Amendment (Descriptions of Areas) Order 2004

Schedule 1 Amendment

Column 1	Column 2	Column 3
Name of service	Description of local government area or city	Description of area other than local government area
Greater Murray Area Health Service	Albury Berrigan Bland Carrathool Conargo Coolamon Cootamundra Corowa Deniliquin Greater Hume Griffith Gundagai Hay Jerilderie Junee Leeton Lockhart Murray Murrumbidgee Narrandera Temora Tumbarumba Tumut Urana Wagga Wagga Wakool	

Health Services Amendment (Descriptions of Areas) Order 2004

Amendment

Schedule 1

Column 1	Column 2	Column 3
Name of service	Description of local government area or city	Description of area other than local government area
Hunter Area Health Service	Cessnock Dungog Gloucester Great Lakes Greater Taree Lake Macquarie Maitland Muswellbrook Newcastle Port Stephens Singleton Upper Hunter	
Illawarra Area Health Service	Kiama Shellharbour Shoalhaven Wollongong	
Macquarie Area Health Service	Bogan Cobar Coolah Coonabarabran Coonamble Dubbo Gilgandra Mid-Western Regional (part) Narromine Warren Wellington	
Mid North Coast Area Health Service	Bellingen Coffs Harbour Hastings Kempsey Nambucca	

Health Services Amendment (Descriptions of Areas) Order 2004

Schedule 1 Amendment

Column 1	Column 2	Column 3
Name of service	Description of local government area or city	Description of area other than local government area
Mid Western Area Health Service	Bathurst Regional Blayney Cabonne Cowra Forbes Lachlan Mid-Western Regional (part) Oberon Orange Parkes Weddin	
New England Area Health Service	Armidale Dumaresq Glen Innes Gunnedah Guyra Gwydir Inverell Liverpool Plains Moree Plains Narrabri Severn Tamworth Regional Tenterfield Uralla Walcha	
Northern Rivers Area Health Service	Ballina Byron Clarence Valley Kyogle Lismore Richmond Valley Tweed	

Health Services Amendment (Descriptions of Areas) Order 2004

Amendment

Schedule 1

Column 1	Column 2	Column 3
Name of service	Description of local government area or city	Description of area other than local government area
Northern Sydney Area Health Service	Hornsby Hunters Hill Ku-ring-gai Lane Cove Manly Mosman North Sydney Pittwater Ryde Warringah Willoughby	
South Eastern Sydney Area Health Service	Botany Bay Hurstville Kogarah Randwick Rockdale Sutherland Sydney (part) Waverley Woollahra	Lord Howe Island
South Western Sydney Area Health Service	Bankstown Camden Campbelltown Fairfield Liverpool Wingecarribee Wollondilly	

Health Services Amendment (Descriptions of Areas) Order 2004

Schedule 1 Amendment

Column 1	Column 2	Column 3
Name of service	Description of local government area or city	Description of area other than local government area
Southern Area Health Service	Bega Valley Bombala Boorowa Cooma-Monaro Eastern Capital City Regional Eurobodalla Greater Argyle Greater Queanbeyan Harden Snowy River Upper Lachlan Yass Valley Young	
Wentworth Area Health Service	Blue Mountains Hawkesbury Lithgow Penrith	
Western Sydney Area Health Service	Auburn Baulkham Hills Blacktown Holroyd Parramatta	



New South Wales

Health Services Amendment (Area Health Service Descriptions) Regulation 2004

under the

Health Services Act 1997

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Health Services Act 1997*.

MORRIS IEMMA, M.P.,
Minister for Health

Explanatory note

Schedule 1 to the *Health Services Act 1997* sets out the names and areas of the area health services constituted under that Act. The object of this Regulation is to further describe, for the purposes of that Schedule, the parts of the local government areas of Sydney and Mid-Western Regional for which particular area health services are constituted under the Act.

This Regulation is made under the *Health Services Act 1997*, including section 18 (2) and section 140 (the general regulation-making power).

Clause 1 Health Services Amendment (Area Health Service Descriptions)
Regulation 2004

Health Services Amendment (Area Health Service Descriptions) Regulation 2004

under the

Health Services Act 1997

1 Name of Regulation

This Regulation is the *Health Services Amendment (Area Health Service Descriptions) Regulation 2004*.

2 Amendment of Health Services Regulation 2003

The *Health Services Regulation 2003* is amended as set out in Schedule 1.

Health Services Amendment (Area Health Service Descriptions)
Regulation 2004

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 2)

Clause 39A

Insert after clause 39:

39A Area health service descriptions (Schedule 1 to the Act)

- (1) A reference in column 2 of Schedule 1 to the Act to *Sydney (part)*, in relation to the Central Sydney Area Health Service, is a reference to all that western sector of the local government area of Sydney created by a boundary which commences at the most northerly point where the eastern boundary of CCD 1 402 003 intersects with the western boundary of CCD 1 400 114 and which then follows in a generally southerly direction the eastern boundaries of CCDs 1 400 205, 1 402 006, 1 402 013, 1 400 801, 1 400 810, 1 400 811, 1 400 901, 1 400 904, 1 400 905, 1 400 906, 1 400 907, 1 400 908, 1 400 914, 1 400 915, 1 400 706, 1 400 607, 1 400 615 and ending where CCD 1 400 613 intersects with the boundary of the local government area of Marrickville.
- (2) A reference in column 2 of Schedule 1 to the Act to *Sydney (part)*, in relation to the South Eastern Sydney Area Health Service, is a reference to all that eastern sector of the local government area of Sydney created by a boundary which commences at the most northerly point where the western boundary of CCD 1 400 114 intersects with the eastern boundary of CCD 1 402 003 and which then follows in a generally southerly direction the western boundaries of CCDs 1 402 018, 1 402 010, 1 402 017, 1 402 016, 1 402 008, 1 402 020, 1 401 212, 1 401 217, 1 401 215, 1 401 214, 1 401 211, 1 401 112, 1 401 113, 1 401 114, 1 401 008 until it meets the boundary of the local government area of Randwick, then generally westerly following the northern boundaries of CCDs 1 400 715, 1 400 606 and 1 400 608, ending at the most south westerly point of CCD 1 400 608 where it intersects with the boundary of the local government area of Botany Bay.
- (3) A reference in column 2 of Schedule 1 to the Act to *Mid-Western Regional (part)*, in relation to the Macquarie Area Health Service, is a reference to the local government

Health Services Amendment (Area Health Service Descriptions)
Regulation 2004

Schedule 1 Amendment

area of Mid-Western Regional excluding that part of the local government area that, immediately before 26 May 2004, was part of the local government area of Rylstone.

- (4) A reference in column 2 of Schedule 1 to the Act to *Mid-Western Regional (part)*, in relation to the Mid Western Area Health Service, is a reference to that part of the local government area of Mid-Western Regional that, immediately before 26 May 2004, was part of the local government area of Rylstone.
- (5) In this clause:
CCD means a Census Collection District determined by the Australian Bureau of Statistics for the 2001 Census of Population and Housing.



Health Services Amendment (Administrators) Regulation 2004

under the

Health Services Act 1997

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Health Services Act 1997*.

MORRIS IEMMA, M.P.,
Minister for Health

Explanatory note

Sections 29 and 52 of the *Health Services Act 1997* (*the Act*) enable the Governor, by order published in the Gazette, to remove any or all members of an area health board or a health corporation board from office and to appoint an administrator. The Act does not expressly provide for the reappointment or replacement of administrators. However, section 47 of the *Interpretation Act 1987* provides, among other things, that a power of appointment includes a power to remove or suspend an appointee and to appoint a person to act in a vacant office or in the office of a person who is absent from that office, whether because of illness or otherwise. Sections 29 and 52 of the Act allow regulations to be made with respect to administrators.

The object of this Regulation is to make express provision with respect to the reappointment of administrators appointed under section 29 or 52 of the Act whose term of office expires, the appointment of administrators to replace those whose term of office expires or whose office becomes vacant, the appointment of persons to act in the office of administrators during their illness or absence, and the removal from office of administrators and acting administrators.

The Regulation also makes provision for the continuation of employment (as unattached officers) of persons removed as chief executive officers on the appointment of an administrator of an area health service or a statutory health corporation.

This Regulation is made under the *Health Services Act 1997*, including sections 29, 52 and 140 (the general regulation-making power).

Clause 1 Health Services Amendment (Administrators) Regulation 2004

Health Services Amendment (Administrators) Regulation 2004

under the

Health Services Act 1997

1 Name of Regulation

This Regulation is the *Health Services Amendment (Administrators) Regulation 2004*.

2 Amendment of Health Services Regulation 2003

The *Health Services Regulation 2003* is amended by inserting the following after clause 38:

38A Provisions with respect to administrators

- (1) On the expiration of a person's appointment or reappointment as administrator, the Governor may, by order published in the Gazette, reappoint the person as administrator for a further period or appoint another person as administrator.
- (2) The Governor may, by order published in the Gazette:
 - (a) remove from the office of administrator any person appointed to that office, or
 - (b) appoint a person to fill a vacancy in the office of administrator.
- (3) The Minister may appoint a person to act in the office of an administrator during the illness or absence of the administrator, and the person, while so acting, has and may exercise all the functions of the administrator and is taken to be administrator.
- (4) The Minister may remove from the office of administrator any person appointed to act in that office under subclause (3).
- (5) An administrator of an area health service may declare a person who has been removed as chief executive officer of the area health service to be an unattached officer of the area health service, and may at any time revoke the declaration.

Health Services Amendment (Administrators) Regulation 2004

Clause 2

-
- (6) A person may be declared an unattached officer even if the person is appointed as the administrator of another area health service.
- (7) An unattached officer of an area health service continues to be employed by the area health service, in accordance with section 28 (4) of the Act, until:
- (a) the declaration is revoked, or
 - (b) the person resigns from that employment.
- (8) If the administrator of a statutory health corporation was, immediately before his or her appointment under section 52 (1) (c) of the Act, the chief executive officer of the corporation, the person is declared to be an unattached officer of the corporation.
- (9) An unattached officer of a statutory health corporation continues to be employed by the corporation, in accordance with section 51 (6) of the Act, until the person ceases to be the administrator of the corporation.
- (10) In this clause:
- administrator*** means an administrator of an area health service appointed under section 29 of the Act or an administrator of a statutory health corporation appointed under section 52 of the Act.

HEALTH SERVICES ACT 1997**ORDER UNDER SECTION 29****Removal of members of various area health service boards
and appointment of administrators**

MARIE BASHIR, Governor

IN pursuance of the provisions of section 29(1)(b) of the Health Services Act 1997, I, Professor MARIE BASHIR AC, Governor of the State of New South Wales, with the advice of the Executive Council, do, by this my order remove from office all the members of the board of each Area Health Service listed in Column 1 of the Schedule below and appoint as the administrator of each respective Area Health Service that person listed in Column 2 of the Schedule directly opposite the name of that Area Health Service, with effect on and from 28 July 2004, until and including 31 December 2004.

Signed this twenty seventh day of July 2004.

MORRIS IEMMA, M.P.,
Minister for Health**SCHEDULE**

<u>Column 1</u> <i>(Name of Area Health Service)</i>	<u>Column 2</u> <i>(Name of administrator)</i>
Central Coast Area Health Service	Dr Stephen Christley
Far West Area Health Service	Claire Blizard
Greater Murray Area Health Service	Stuart Schneider
Hunter Area Health Service	Terry Clout
Illawarra Area Health Service	Dr Denise Robinson
Macquarie Area Health Service	Claire Blizard
Mid Western Area Health Service	Claire Blizard
Mid North Coast Area Health Service	Chris Crawford
New England Area Health Service	Terry Clout
South Eastern Sydney Area Health Service	Dr Denise Robinson
Southern Area Health Service	Stuart Schneider
Wentworth Area Health Service	Professor Steven Boyages

HEALTH SERVICES ACT 1997

ORDER UNDER SECTION 29
Removal of members (other than the Chief Executive Officer)
of various area health service boards
and appointment of administrators

MARIE BASHIR, Governor

PURSUANT to section 29(1)(c) of the Health Services Act 1997, I, Professor MARIE BASHIR AC, Governor of the State of New South Wales, with the advice of the Executive Council, do, by this my order remove from office all the members of the board, other than the Chief Executive Officer, of each Area Health Service listed in Column 1 of the Schedule below and appoint as the administrator of each respective Area Health Service the Chief Executive Officer listed in Column 2 of the Schedule directly opposite the name of that Area Health Service, with effect on and from 28 July 2004, until and including 31 December 2004.

Signed this twenty seventh day of July 2004.

MORRIS IEMMA, M.P.,
 Minister for Health

SCHEDULE**Column 1**

(Name of Area Health Service)

Central Sydney Area Health Service
 Northern Rivers Area Health Service
 Northern Sydney Area Health Service
 Western Sydney Area Health Service

Column 2

(Name of Chief Executive Officer/Administrator)

Dr Diana Horvath
 Chris Crawford
 Dr Stephen Christley
 Professor Steven Boyages

HEALTH SERVICES ACT 1997**ORDER UNDER SECTION 52****Removal of members of board of
The Royal Alexandra Hospital for Children
and appointment of administrator**

MARIE BASHIR, Governor

IN pursuance of the provisions of section 52(1)(c) of the Health Services Act 1997, I, Professor MARIE BASHIR AC, Governor of the State of New South Wales, with the advice of the Executive Council, do, by this my order remove from office all the members of the board of The Royal Alexandra Hospital for Children and appoint the Chief Executive Officer, Professor Kim Oates, as the administrator of that statutory health corporation, with effect on and from 28 July 2004, until and including 31 December 2004.

Signed this twenty seventh day of July 2004.

MORRIS IEMMA, M.P.,
Minister for Health

HEALTH SERVICES REGULATION 2003**ORDER UNDER CLAUSE 38A****Removal of administrator of the South Western Sydney Area Health Service and appointment of another person as administrator**

MARIE BASHIR, Governor

PURSUANT to clause 38A(2) of the Health Services Regulation 2003, I, Professor MARIE BASHIR AC, Governor of the State of New South Wales, with the advice of the Executive Council, do, by this my order remove from office Associate Professor Debora Picone as the administrator of the South Western Sydney Area Health Service and appoint in her stead Dr Diana Horvath as administrator of that Area Health Service, with effect on and from 28 July 2004, until and including 31 December 2004.

Signed this twenty seventh day of July 2004.

MORRIS IEMMA, M.P.,
Minister for Health